

**IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)
AT DAR ES SALAAM**

MISC. CRIMINAL APPLICATION NO. 100 OF 2021

*(Originating from Economic Crimes Case No. 8 of 2020 before the Resident
Magistrate's Court of Dar es Salaam at Kisutu)*

**LUCAS PIUS MALLYA ----- APPLICANT
VERSUS
THE REPUBLIC ----- RESPONDENT**

Date of last order: 20/7/2021

Date of the Ruling: 20/7/2021

R U L I N G

MGONYA, J.

Before me is an Application brought under the Certificate of Urgency by the Applicant namely **LUCAS PIUS MALLYA**.

The Application has been made under **section 148 (3) and section 392A of the Criminal Procedure Act, Cap. 20 [R.E 2019]; Section 29 (4) (d) of the Economic and Organized Crime Control Act, Cap. 200 [R.E 2019]** attached with the Applicant's Affidavit duly affirmed by the Applicant's Advocate, learned Counsel **FLORA JACOB**.

The gist of the instant Application before the Court as well submitted by the Applicant's Counsel is for this Honourable Court to grant the Applicant bail pending hearing of the

Economic Crime Case No. 8 of 2020 hosted in the Resident Magistrate's Court at Kisutu in Dar es Salaam before Hon. Isaya, SRM.

Responding to the Application, **Ms. JENIPHER MASUE** the learned State Attorney pronounced before the Court that the Respondent, the Republic herein is not objecting the Application. It is from that stand, Ms. Masue further submitted that, the Republic have been satisfied that the bail to the Applicant be granted in accordance to the legal conditions set in the **Criminal Procedure Act (Supra)** and the **Economic and Organized Crime Control Act (Supra)** respectively.

After going through the Applicant's Affidavit and Charge Sheet attached thereto, together with both Counsel's respective submissions in relation to the instant Application, this Honourable Court is satisfied that the Applicant before the court is eligible for bail as prayed.

In the event therefore, **this Honourable Court proceeds to grant the prayer sought by releasing the Applicant on bail** upon fulfilment of the following legal conditions as per the provisions of the **Criminal Procedure Act**, and the **Economic and Organized Crime Act**, respectively ad hereunder: -

- (i) The Applicant is to deposit into Court a cash sum of Tshs. 7,500,000,000/= (Seven Billion***

Five Hundred Million) or in Alternative, to deposit into a court Title Deed/(s) of immovable property (duly certified by the professional valuer) equivalent to the above mentioned sum;

(ii) The Applicant is to surrender her travelling document(s) i.e. passport of any to the nearest Police Station within the Jurisdiction where the charge arose;

(iii) The Applicant is hereby ordered to have two reliable sureties; and

(iv) Further, the Applicant herein is restricted from travelling and visiting any place outside the Dar es Salaam Region without express written permission of the Court.

Consequently, the Application in favour of the above mentioned Applicant is **granted to the extent, terms and conditions stipulated above.**

It is so ordered.

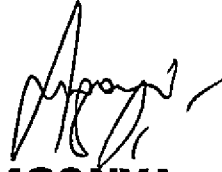


L. E. MGONYA

JUDGE

20/07/2021

Court: Ruling delivered in my chambers in the presence of the Applicant in person, Ms. Jenipher Masue, State Attorney for the Respondent and Ms. Veronica, RMA this 20/07/2021.



L. E. MGONYA

JUDGE

20/07/2021