

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

**MISC. CRIM. APPLICATION NO. 196 OF 2021**

(Arising from Economic Crime Case No. 05 of 2018 pending at the Court of the District  
Court of Kisarawe at Kisarawe )

**SALUM MBEGU KIMBURU.....APPLICANT**

**VERSUS**

**THE REPUBLIC.....RESPONDENT**

**RULING**

Hearing and Ruling: 17/11/2021

**MASABO, J.:-**

The Applicant has filed this chamber application under section 29 (4) (d) and 36(1) of the Economic and Organized Crime Act, Cap. 200 R.E 2019 seeking for immediate release on bail pending trial of Economic Crime Case No. 05 of 2018 pending at the District Court of Kisarawe at Kisarawe.

According to the charge sheet annexed to the application, the applicant stands charged of unlawful possession of government trophies c/s 86(1), (2) (ii) and (3) and the Wildlife Conservation Act, 2009 [Cap. 283) as amended by Written Laws (Miscellaneous Amendments) Act No. 4 of 2016 read

together with paragraph 14 of the First schedule to the Act and section 57(1) and 60 (2) of the Economic and Organized Crime Control Act [Cap, 200 R.E 2002) as amended by Written Laws (Miscellaneous Amendments) Act No. 3 of 2016 for having been found in unlawful possession of Government trophies to wit two (2) Giraffe tails valued at USD 30,000 equivalent to Tshs 69, 000,000/= and 3 monkey teeth worth USD 120 equal to Tshs 276,000/=.

When the parties appeared for hearing today, the respondent, represented by Ms. Sofa Bimbiga, learned state Attorney, did not object the prayer. She however asked the court to consider that the offence against which the applicant is charged is an economic offence hence in the exercise of its discretion to grant bail, it should observe the provision of section 36(5) and (6) of the Economic and organized Crime Control Act [Cap, 200 R.E 2019).

From the chargesheet appended to the chamber summons, it is not in dispute that the offence against which the applicant is charged in Economic Crime Case No. 05 of 2018 is bailable but bail could not be determined by the district court of Kisarawe where he stands charged because the monetary value of the property involved in the offence for which he is charged exceeds

Tanzania Shillings ten million (Tshs10,000, 000/=) which is, by virtue of section 29(4)(a) of the Economic and Organized Crime Control Act (supra), a pecuniary bar to the subordinate courts in similar applications. For this reason, and in consideration of the provision of section 36(5) of Cap 200, I admit the applicant on bail subject to the following conditions:

1. Depositing in court a sum of Tshs 34,638,000/= which is half the total pecuniary value of the government trophies against which he is charged to have been found in possession. **ALTERNATIVELY**, he shall deposit a Title Deed of an immovable property of the value not less than the amount above. The immovable property shall be within the jurisdiction of this High Court Registry and shall be free from any encumbrance. The other sum of Tshs 34,638,000/= will be executed by signing a bond;
2. The applicant must produce two reliable sureties who shall each sign a bail bond in the sum of 2,000,000/=.

3. The applicant will not leave the jurisdiction of this court without first obtaining permission from the Resident Magistrate in Charge of Kisarawe District Court;
4. The applicant shall surrender his passport and other travel documents to the Resident Magistrate in Charge of the Kisarawe District Court;

Verification of the sureties and bond documents shall be executed by the Resident Magistrate in Charge of Kisarawe District Court;

DATED at DAR ES SALAAM this 17<sup>th</sup> day of November 2021.

17/11/2021

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Signed by: J.L.MASABO

**J.L. MASABO**

**JUDGE**