

**IN THE HIGH COURT OF TANZANIA  
(DODOMA DISTRICT REGISTRY)  
AT DODOMA**

**MISC. CRIMINAL APPLICATION NO. 66 OF 2021**

(Originating from Economic Case No. 16 of 2021 District Court of Manyoni at Manyoni)

**HAMIS SELEMANI@LABIA.....APPLICANT**

**VERSUS**

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

*10/11/2021 & 10/11/2021*

**RULING**

**MASAJU, J**

The Applicant, Hamis Seleman Labia, by way of Chamber Summons Application made under Section 29 (4) (d) of the Economic and Organised Crime control Act, [Cap 200 RE 2019] seeks to be admitted to bail pending trial and determination of Economic Crime Case No. 16 of 2021 in the District Court of Manyoni at Manyoni. The application is supported by his own Affidavit. The Affidavit gives the background and the reasons for the Application, *inter alia*, stating that he has been charged with bailable offences. That, he has got reliable sureties who own valuable movable and immovable assets and are willing to secure his appearance in Court without fail in the event the application is granted.

When the Application was heard in the court this morning, the 10<sup>th</sup> day of November, 2021, the learned counsel, John Chigongo, advocated for the Applicant in his presence. The learned counsel, just alluded to the Chamber Summons Application and the Affidavit thereof. He adopted the Applicant's Affidavit to form part of the submissions in support of the Application in the court as he prayed the Court to grant the Application accordingly.

The Respondent Republic had not filed Counter Affidavit. The learned State Attorney, Ms. Rachel Tulli, who appeared for her, so rightly did not contest the Application save that she prayed the Court to take into account section 36(5) (a) of the Economic and Organised Crime Control Act, [Cap 200 RE 2019] in the event the Application was granted.

That said, the Application for bail pending disposal of the Economic Crime Case against the Applicant is hereby granted accordingly pursuant to section 148 (1) of the Criminal Procedure Act, [Cap 20 RE 2019] read together with sections 29(4) (d) and 36(1) of the Economic and Organised Crime Control Act [Cap 200 RE 2019]. The Applicant shall be admitted to bail on the conditions and terms obtaining in section 36(5) of the Economic and Organised Crime Control act [Cap 200 RE 2019] read together with section 148 (2) of the Criminal Procedure Act, [Cap 20 RE 2019] thus:-

1. That, the Applicant in person or any of his sureties shall deposit cash or immovable or other property equivalent to half of the value of actual property involved in the alleged crime, that is to say TZS 17,391,300/= which is half the value of the property involved in the alleged crime as per charge sheet, namely TZS 34,782,600/=.

2. That, the Applicant shall have not less than one reliable sureties, citizens of the United Republic of Tanzania, residents of the local jurisdiction of the Court who shall sign a bond amounting to TZS 17,391,300/=.
3. That, the Applicants' documents and his reliable sureties' documents, if any, for purposes of compliance with bail conditions and terms hereof shall be vetted for approval by the Deputy Registrar.
4. That, the applicant shall surrender his Passport and other travel documents, if any, to Dodoma Regional Police Station for safe custody pending disposal of the case against him.
5. That, the Applicant shall not travel outside the local jurisdiction of the Court without prior permission by the Deputy Registrar.
6. That, the Applicant shall abstain from visiting National Parks, Game Reserves and Game controlled Areas, if any, within the local jurisdiction of the court pending the disposal of the economic crime case against him.
7. That, the Applicant shall appear before the District Court of Manyoni at Manyoni or trial court, as the case may be, on the dates and times as shall be scheduled by the said District Court or trial Court, as the case may be.
8. That, the Deputy Registrar or the District Court of Manyoni or trial Court, as the case may be, shall ensure that the bail conditions and terms hereof are complied with and maintained accordingly, even after the Applicant's admission to bail pending the timely disposal of the economic crime case against the Applicant.

9. That, the Deputy Registrar shall ensure that all the prerequisite bail condition and terms hereof are met accordingly prior to releasing the Applicant on bail.



  
GEORGE M. MASAJU

**JUDGE**

10/11/2021