

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

AT DAR ES SALAAM

MISC. CRIM.APPLICATION NO. 155 OF 2021

MGALULA MICHAEL PARATWA..... 1ST APPLICANT

METHOD MALYANGO BUSOGO.....2ND APPLICANT

VERSUS

THE REPUBLIC..... RESPONDENT

*(Originating from Economic Crime Case No. 05 of 2015, at the Resident
Magistrate's Court of Dar es Salaam at Kisutu)*

Date of last order: 13/8/2021

Date of Ruling: 20/8/2021

RULING

LALTAIKA, J.

The applicants **MGALULA MICHAEL PARATWA** and **METHOD MALYANGO BUSOGO** are jointly moving this court under certificate of urgency for bail consideration pending trial at the Resident Magistrate's Court of Dar es Salaam at Kisutu, in Economic case No.05 of 2015. The application is supported by chamber summons which is made under section 29(4) (d) and section 36(1)(5) of the Economic and Organized

Crime Control Act. Cap 200 R.E. 2019 and a joint affidavit sworn by both applicants herein.

The applicants pray for the following orders to be granted by this court;

- (i) That this Honorable Court be pleased to grant bail to the applicants
- (ii) Any other relief or orders as this court may deem fit to grant.

In their joint affidavit the applicants stated that they stand charged with an Economic Crime Case No.05 Of 2015 which is pending trial at Dar es Salaam Resident Magistrate's Court at Kisutu

The applicants state further that the offences they stand charged with are bailable under the law and that they have reliable sureties who are ready and willing to comply to the bail conditions. The applicants went on to assure this court of their attendance of the matter at the trial court at a day and time to be fixed by the court. The respondent hasn't filed any counter affidavit to challenge the application.

During the hearing of this matter the applicants appeared in person while Ms. Tully Helela, learned State Attorney, appeared for the respondent Republic. Submitting on behalf of his co-applicant and his own behalf, Mr. Mgalula briefly submitted that he prays for this court to admit them on favorable bail conditions since the offence they stand charged with is bailable.

On her part Ms. Helela submitted that, the respondent has no objection to this application. Nevertheless, she prayed for this court to set

the bail conditions in accordance with provisions of section 36(5) and (6) of the Economic and Organized Crimes Act.

I have duly considered the submissions by both parties. I have paid particular interest on the affidavit which forms a part of the applicants' submissions. In determination of this application, I am guided by the provisions of section 36(5) and (6) of the Economic and Organized Control Act, Cap 200, R.E 2019. I should also state on the outset that the respondent does not object the application.

It should further be underscored that the value of the subject matter in the offence shall be shared equally by the applicants for the purposes of burden sharing.

To this end, I hereby proceed to grant the applicants' prayers on following conditions;

1. Each applicant or any other person who is a resident of Dar es Salaam City, on his behalf should submit cash bond at the sum of Tsh. 13,800,000/= alternatively submit title deed(s) carrying the immovable property valued at that sum.
2. Each applicant should bring one surety who is resident of Dar es Salaam, who will execute a promissory bond of Tshs. 5,000,000/= each
3. The applicants to surrender their travel documents to court.
4. The applicants should not leave the jurisdiction of this court without permission from a Resident Magistrate of the Resident Magistrate Court of Dar es Salaam.

The parties to appear before the Resident Magistrate Court Dar es Salaam at Kisutu of for execution of the bail conditions.

It is so ordered.



E.I. LALTAIKA

E.I. Laltaika

**JUDGE
20/8/2021**