

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE SUB-REGISTRY OF DAR ES SALAAM**

AT DAR ES SALAAM

MISC. CRIMINAL APPLICATION NO. 82 OF 2022

HAFFARMAN YONA BUI APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

**(From the Resident Magistrate's Court of Kinondoni at Kinondoni
in Economic Case No. 1 of 2022)**

RULING

11th and 11th July, 2022

KISANYA, J.:

This application for bail pending trial arises from Economic Case No. 1 of 2022 which is pending at the Resident Magistrate's Court of Kinondoni at Kinondoni. In that case, the applicant, Haffarman Yona Bui happens to be the second accused person while other accused persons are Felician Cyril Tabuya (first accused) and Gabriel Ignatus Mgana (third accused). The trio stand charged with an offence of Unlawful Possession of Government Trophy contrary to sections 85(1)(a), 86(1) and 86(c) (ii) of the Wildlife Conservation Act No. 5 of 2009 read together with paragraph 14 of the First Schedule and sections 57(1) and 60(2) the Economic and Organized Crimes Control Act, Cap. 200, R.E. 2019 (the EOCCA).

It is alleged that on the 28th day of February, 2022 at Ubungu National Housing area within Ubungu District in Dar es Salaam Region, the applicant and

two other accused persons were found in possession of Government trophy to wit, 25 pieces of Elephant Tusks valued at TZS 480,242,973, the property of the Government of the United Republic of Tanzania.

In view of the foresaid value, the applicant has moved this Court to grant bail pending trial. Indeed, as a committal court, the Resident Magistrate's Court of Kinondoni has mandate to determine an application for bail pending trial where the value of any property involved in the offence charged is less than three hundred million shillings. This is pursuant to section 29(4)(a) of the EOCCA.

When this matter was called on for hearing, the applicant appeared in person, while the respondent had the legal services of Ms. Nura Manja, learned State Attorney.

At the outset, Ms. Manja rose to inform the Court that the application is not contested by respondent. She submitted that it is this Court which has mandate to determine the applicant at hand. On his part, the applicant urged this Court to grant the application. He contended that other accused persons had been admitted to bail.

On my part, I am satisfied that given the value of trophies involved in the offence laid against the applicant and the co-accused person, section 29(4)(d) of the EOCCA empowers this Court to determine the instant application. It is also on record, in its ruling dated 14th April, 2022 in Misc. Criminal Application No. 45 of

2022, this Court granted the application for bail filed by the applicant's co-accused person one, Gabriel Ignatus Mgana.

Considering further that the application is not contested by the respondent, It is my considered finding that this is a fit case in respect of which the Court's discretion to admit the applicant to bail may be exercised.

In the upshot, this application is hereby granted. The applicant is admitted to bail on the following bail conditions which were also set out by this Court in above stated Misc. Criminal Application No. 45 of 2022: -

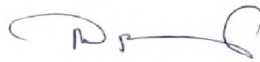
1. The applicant shall deposit to the custody of the court a sum of TZS. 80,040,495.5 /= in cash or a title deed or evidence satisfactorily to prove existence of immovable property/properties valued at TZS Tshs. 80,040,495.5 /=.
2. The applicant shall have two reliable sureties with fixed place of abode within Dar es Salaam Region.
3. Each surety shall execute a bond of TZS 40,020,000/=.
4. Each surety shall produce an introductory letter from his or her employer or local authorities and a copy of recognized identity card.
5. The applicant shall surrender his passport or travelling document (if any).
6. During the pendency of the case before the Resident Magistrate's Court of Kinondoni at Kinondoni, the applicant shall not travel outside Dar es Salaam

Region without a prior written approval of the Resident Magistrate assigned with the case.

7. The trial magistrate or any other magistrate acting on his or her behalf shall verify and scrutinize bond documents, and any other documents, as submitted by the applicant and his sureties.

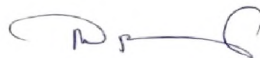
It is so ordered.

DATED at DAR ES SALAAM this 11th day of July, 2022.



S.E. Kisanya
JUDGE

Court: Ruling delivered this 11th day of July, 2022 in the presence of the applicant and Ms Nura Manja, learned State Attorney for the Respondent.



S.E. Kisanya
JUDGE
11/07/2022