

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

MISC. CRIMINAL APPLICATION NO. 72 OF 2021

(Originating from Economic Case No. 8 of 2021 Kondoa District Court)

AYUBU DIDA NDWATA APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

31/3/2022 & 6/4/2022

RULING

MASAJU, J

The Applicant, Ayubu Dida Ndwata, has been indicted before the District Court of Kondoa at Kondoa for the economic offence namely, Unlawful Possession of Firearms contrary to section 103 of the Wildlife Conservation Act No. 5 of 2009 read together with paragraph 4 of the First Schedule to and sections 57(1) and 60(2) of the Economic and Organized Crime Control Act [Cap. 200 RE 2019], hence this Application for bail pending the disposal of the economic crime case against him. His Chamber Summons Application for bail is made under sections 29(4) (b) and 36(1) of the Economic and Organised Crime Control Act [Cap 200] supported by his own Affidavit. The said Affidavit gives the

background of the Application, the reasons and eligibility for admission to bail pending disposal of the economic crime case against him.

The Applicant in Paragraphs 4 and 5 of the Affidavit depones that the economic case offence he has been indicted for is bailable in the Court and that he will appear before the trial Court whenever so ordered. The Respondent Republic did not lodge Counter Affidavit.

When the Application was heard in the Court on the 31st day of March, 2022 the layman Applicant appeared in person and adopted his chamber summons and the Affidavit thereof to form his submissions in support of the Application in the Court. The Applicant prayed the Court to grant the Application accordingly.

The Respondent Republic in service of Ms. Neema Taji, the learned State Attorney, did not contest the Application, for the offence is bailable and the Application being properly filed in the Court.

The bail Application pending the disposal of the economic crime case against the Applicant is hereby granted accordingly pursuant to sections 29(4) (d) and 36(1) of the Economic and Organised Crime Control Act, [Cap. 200] read together with section 148 (1) of the Criminal Procedure Act [Cap 20]. Section 148 (2) of the Criminal Procedure Act [Cap. 20] provides that the amount of bail shall be fixed with due regard to gravity and other circumstances of the case but shall not be excessive. The

Applicant shall be admitted to bail on the following conditions and terms, thus;

1. That, the Applicant shall have one reliable surety, citizen of the United Republic of Tanzania and residents of the local jurisdiction of the court who shall sign a bond of TZS two million (2,000,000/-).
2. That, the Applicant's surety identification documents and other documents, if any, pertinent to compliance with bail condition hereof shall be vetted and approved by the Deputy Registrar of the High Court of the United Republic of Tanzania, Dodoma Registry.
3. That, the Applicant shall surrender his passport and other travel documents, if any, to Dodoma Regional Central Police Station for safe custody pending the disposal of the economic crime case against him.
4. That, the Deputy Registrar shall ensure that all prerequisite bail conditions hereof are met accordingly prior to releasing the Applicant on bail.
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 appear before the District Court of Kondoa at Kondoa or trial Court on such dates and times as shall be so scheduled by the said Court.

7. That, the applicant shall abstain from visiting the National parks, Game reserves and Game Controlled Areas, if any, within the local jurisdiction of Court during the pendency of the economic crime case against him.
8. That, the Deputy Registrar or the District Court of Kondoa or the trial Court, as the case may be, shall, ensure that the bail conditions and terms hereof are complied with and maintained accordingly pending the timely disposed of the economic crime case against the Applicant.

It is hereby so ordered by the Court this 6th day of April, 2022.



GEORGE M. MASAJU

JUDGE

6/4/2022