

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. 189 OF 2022

(Arising out of Economic Case No. 14 of 2021 from the Resident Magistrates' Court of Dar es Salaam at Kisutu).

CRISPIN PROSPER MWOMBEKI APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

27th December, 2022

ISMAIL, J.

The applicant is one of the four accused persons who are charged with assorted counts constituting economic offences. The case is pending in the Resident Magistrates' Court of Dar es Salaam at Kisutu. The aggregate value of the subject matter of the charges is TZS. 5,383,918,553.41, as quoted in count 37 of the charge sheet.

In the pendency of the trial proceedings, the applicant, the only of the quartet who is still incarcerated, has instituted the instant application for grant of bail. The affidavit that supports the application, sworn by Mr. Nehemiah Geoffrey Nkoko, its deponent, states that, though the value of the

subject matter exceeds the pecuniary limits of the trial court, the offences charged are bailable. The deponent of the affidavit further contends that the applicant has what it takes to meet conditions set under section 36 (5) of the Economic and Organized Crime Control Act, Cap. 200 R.E. 2022, and any other conditions as may be imposed by the Court.

The application has not been opposed to by the respondent. This position has been stated by Ms. Estazia Wilson, learned State Attorney.

I have gone through the application. I am in agreement with both counsel that the offences charged are bailable. However, the humongous nature of the value of the subject matter means that the matter must be brought to the Court's attention for determination. This means that the prayer for grant of bail is justified. I take the view, as well, that such offences are not those that are restricted by law, under section 36 (4) of Cap. 200, or any other law. The totality of all this means that the applicant's quest for bail is legitimate and grantable. Consequently, I admit him to bail.

Admission of the applicant to bail is subject to the following clear and specific conditions:

1. The applicant shall deposit cash sums or title deed(s) for landed properties, or properties approved or certified to have the value that is equivalent one-fourth of the cumulative half of the value of the subject matter of the charge. This works out to TZS.

2,691,959,276.70, and the applicant's burden works out to TZS. 672,989,819.18;

2. The applicant should produce two reliable sureties, and each of sureties shall execute a bond worth TZS. TZS. 672,989,819.18;
3. The applicant shall avail himself and appear in the trial court *i.e.* Resident Magistrates' Court of Dar es Salaam at Kisutu, each time Economic Case No. 14 of 2022 is called on for orders and in the entirety of the pendency of the trial proceedings;
4. The applicant shall surrender his passport or other travel documents (if any) to the trial court, and that such document(s) shall remain in the court's custody for the entirety of the trial proceedings;
5. The trial magistrate, or any other magistrate acting on his behalf, shall verify and scrutinize bond documents, and any other documents, as submitted by the applicant and his sureties.

Order accordingly.

DATED at **DAR ES SALAAM** this 27th day of December, 2022.



M.K. ISMAIL

JUDGE

27.12.2022

