

**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. 21 OF 2022**

**CASTRO CLEMENT MWANAUTA ..... 1<sup>ST</sup> APPLICANT**

**AMON BROWN @MALAKIBUNGU ..... 2<sup>ND</sup> APPLICANT**

**SELESTIN FELICIAN @SANGOMA ..... 3<sup>RD</sup> APPLICANT**

***VERSUS***

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

**(Arising from Economic Case No. 5 of 2021 pending in the  
District Court of Ilala at Kinyerezi)**

**RULING**

15<sup>th</sup> and 15<sup>th</sup> March, 2022

**KISANYA J.:**

The above named applicants, who are in a remand prison, are charged with one economic count in the District Court of Ilala at Kinyerezi in Economic Case No. 5 of 2021, pending committal proceedings before the High Court (Corruption and Economic Crimes) Division. They have filed the present application for bail pending trial. The application is made by way of Chambers Summons supported by a joint affidavit of the applicants.

In terms of the charge sheet appended to the supporting affidavit, the offence laid against the applicants is unlawful possession of government trophies contrary to section 86(1) 2(b) and 3(a) of the Wildlife

Conservation Act, 2009 read together with paragraph 14 of the First Schedule and section 57(1) of the Economic and Organized Crime Control Act, Cap. 200, R.E. 2019 (the EOCCA). It is alleged, among others, that on the 5<sup>th</sup> day of November, 2021, the applicants were found in possession of three pieces of elephant teeth valued at Tshs. 69,030,000, the property of the Government of the United Republic of Tanzania without a permit from the Director of Wildlife.

At the hearing of this application, the applicants appeared in person, while the Respondent/ Republic was represented by Mr. Yusuf Aboud, Learned State Attorney.

Mr. Aboud did not object the application. He submitted that the applicants are charged with bailable offence and that it is this Court which has jurisdiction to determine the matter. He invited the Court to impose bail conditions that will ensure availability of the applicants whenever the case is called on for trial.

On the other side, the applicant asked the Court to impose bail conditions which are fair or lenient.

Having gone through the Chamber Summons and supporting affidavit, I am satisfied that the application is competent before this Court.

Considering that the value of trophies involved in the case preferred against the applicants is more than ten million shillings, the mandate to determine this matter is vested in this Court. This is pursuant to section 29(4)(d) of the EOCCA. I have considered further that, the applicants are charged with bailable offence, the applicants are entitled to bail and that the application is not contested by the Republic. Thus, I find no reason of refusing it.

In view thereof, the application is granted and the applicants are admitted on bail pending trial upon complying with the following bail conditions premised under section 36 (5) and (6) of the EOCCA:

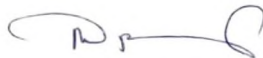
1. The Applicant should not travel outside Dar es Salaam Region without prior approval of the District Court of Ilala.
2. Whereas half of the value involved is Tshs 34,515,000/= and as the case involves three accused persons, each applicant shall deposit a sum of Tshs. 11,505,000/= or deposit to the custody of the Court, a title deed or evidence satisfactorily to prove existence of an immovable property valued at Tshs. 11,505,000/=.
3. Each applicant should have two reliable sureties with a fixed abode within the jurisdiction of the trial Court.

4. Each surety shall execute a bail bond in the sum of Tshs. 5,752,500/=.
5. Each surety shall produce an introductory letter from his or her employer or local authorities and a copy of recognized identity card.
6. Each applicant should surrender his passport or any travelling documents in his name (if any).

Further to this, verification of the sureties and bond documents shall be executed by the Resident Magistrate assigned with the case pending at the District Court of Ilala at Ilala.

It is so ordered.

DATED at DAR ES SALAAM this 15<sup>th</sup> day of March, 2022.



S.E. Kisanya  
JUDGE

COURT: Ruling delivered this 15<sup>th</sup> day of March, 2022, in the presence of the applicants and Mr. Yusuf Aboud, learned State Attorney for the respondent. B/C Bahati present.



A handwritten signature in black ink, appearing to be "S.E. Kisanya".

S.E. Kisanya  
JUDGE  
15/03/2022