

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
ARUSHA SUB REGISTRY
AT ARUSHA**

MISC. CRIMINAL APPLICATION NO. 13 OF 2023

(Arising from Economic Crimes Case No. 05/2023 from the District Court of Arusha
at Arusha)

BARAKA ALFRED JUSTINE 1ST APPLICANT
WILSON MJUNGU KAITIRA 2ND APPLICANT
AMOS JOHN MGETA 3RD APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

14th June 2023

KAMUZORA, J.

This application was brought under certificate of urgency in which the Applicants are applying for bail pending hearing and determination of the Economic Case No. 05 of 2023 pending before the District Court of Arusha at Arusha. This court was moved under the provision of section 29(4) (d) and 36(1) of the Economic and Organised Crimes Control Act Cap 200 R.E 2022 and section 148 (3) of the Criminal Procedure Act [Cap 20 R.E 2022].

From the records, the Applicants stands charged before the subordinate court for two offences of unlawful possession of Ammunitions contrary to section 21(b) of the Firearms and Ammunitions Control Act No. 2 of 2015 read together with paragraph 31 of the First Schedule to and section 57 the Economic and Organised Crimes Control Act Cap 200 RE 2022. The particulars of offence are such that, the Applicants jointly and together were found in unlawful possession of 20 round ammunitions with calibre 375 and 38 round ammunitions with calibre 416.

It was deponed in the affidavit in support of application that the offences to which the Applicants are charged with are bailable and the Applicants have reliable sureties to stand for their bail. That, the Applicants are residents of Arusha doing their businesses herein in Arusha. That, all Applicants are highly dependable to their families as they are the bread winners for their families and if sent to prison, their families will suffer economic hardship.

When the matter was called in court Ms. Alice Mtenga, Learned State Attorney appeared for the Republic and the Applicants appeared in person. In the outset, Ms. Mtenga did not object the application as she was in agreement that the offences to which the Applicants are charged with are bailable. However, she prayed that the conditions to

be set by this court should necessitate the Applicants' appearance before the court. The Applicants had no any other useful submission to add apart from praying before this court that they be granted bail.


As agreed by the learned State Attorney, the offences to which the Applicants are charged with are bailable. The provisions used to move this court prescribe the jurisdiction of the court based on the value of the property involved. It states that where the valued of the property involved in the offence is ten million shillings or more at any stage before commencement of the trial before the Court, the power to grant bail is vested in the High Court.

In the case at hand the value of the property is not stated but since this court have unlimited jurisdiction it can still determine the bail application brought before it. As rightly submitted by the learned State Attorney the offences to which the Applicants are charged are bailable offences. This court while granting bail need to consider the requirement of the law under section 36 (1) of Cap. 200 RE 2022. Since the application is not disputed and in considering the provision of 36(4) of Cap 200 R.E 2022 the Applicants' application for bail is granted on the following conditions: -

- 1) Each Applicants shall present two reliable sureties who will present their identity card and introductory letters from any government authority.
 - 2) Each surety shall sign bail bond of Tshs. 5,000,000/=
- It is so ordered.

DATED at **ARUSHA** this 14th June 2023




KAMUZORA
JUDGE