

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**SONGEA SUB - REGISTRY**

**AT SONGEA**

**MISC. CRIMINAL APPLICATION NO. 6741 OF 2024**

*(Originating from the Resident Magistrates' Court of Songea at Songea in Economic Case  
No. 4517 of 2024)*

**JAFARI ADAM LIKWATA ..... 1<sup>ST</sup> APPLICANT**

**YAHAYA HAIBUNI RUNJE ..... 2<sup>ND</sup> APPLICANT**

**VERSUS**

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

**RULING**

Date of Last Order: 20/03/2024

Date of Ruling: 22/03/2024

**U. E. Madeha, J.**

It is worth considering the fact that, this is an application made under section 29 (4) (d) of the *Economic and Organized Crime Control Act* (Cap. 200, R. E. 2022). It is an application for bail in respect to Economic Case No. 4517 of 2024 which is pending before the Resident Magistrates' Court of Songea at Songea. The application is supported by an affidavit jointly affirmed by the Applicants. The Respondent never filed a counter affidavit in this application.

Briefly, the facts of this application as depicted in the affidavit affirmed by the Applicants and the charge attached in the application are as follows; The Applicants are the accused persons in Economic Case No. 4517 of 2024 which is pending before the Resident Magistrate's Court of Songea at Songea, in which they are jointly charged with two counts. The first count is unlawful possession of government trophy contrary to section 86 (1) & 2 (b) of the *Wildlife Conservation Act (Cap. 283 R. E. 2022)*, read together with Paragraph 14 of the First Schedule thereto, and sections 57 (1) and 60 (2) of the *Economic and Organized Crime Control Act (Cap. 200, R. E. 2022)*. The second count is unlawful dealing in trophy contrary to sections 80(1), 84(1), 111(1)(a) and (c) and 113(1) and (2) of the *Wildlife Conservation Act (Cap. 283 R. E. 2022)*, read together with paragraph 14 of the First Schedule to, and Sections 57(1) and 60(2) of *The Economic and Organized Crime Control Act (Cap. 200 R. E. 2022)*. The total value of the properties as shown in the charge sheet is TZS 505,320.00 and the jurisdiction of granting bail is vested to this Court in terms of section 29 (4) of the *Economic and Organized Crime Control Act (supra)*.

At the hearing of this application Ms. Naomi John, the learned advocate, appeared for the Applicants while Ms. Hellen Chuma, Senior State Attorney appeared for the Respondent.

At the onset, Ms. Chuma informed this Court that the Respondent has not filed a counter affidavit since they don't resist the application for bail. She prayed for this Court to give the bail conditions subject to the requirements of the law under which the Applicants are charged with.

Following the submissions made by the Senior State Attorney for the Respondent, the Applicants' advocate has no much to argue rather than praying for this Court to adopt the chamber summons and the affidavit filed in support of the application to form part of his submission. She further added that, in granting bail condition the Court must consider the economic status of the Applicants.

As stated above, this application was unchallenged by the Respondent. After going through the charge which the Applicants are charged with, the affidavit affirmed by the Applicants in support of this application and the submissions made by the Counsel for both parties in relation to the instant application, this Court is satisfied that the Applicants are entitled for bail as prayed. Therefore, in terms of section 29 (4) (d) and

36 (1) of the *Economic and organized Crimes Control Act* (Cap. 200, R. E. 2022), bail is granted to the Applicants upon fulfilment of the following legal conditions:

1. That each Applicant to deposit TZS 126,330,000.00 or immovable property of equal value to the amount ordered to be deposited.
2. Each Applicant to have two reliable sureties residing within the jurisdiction of the Court and each surety must sign a bond of TZS 126,330,000.00. They may either be government employees or any person with a National Identity Card.
3. The Applicants are prohibited to travel outside the jurisdiction of the Court without permission from the Resident Magistrates' Court of Songea.
4. The Applicants are ordered to surrender their passport and any other travelling documents before the Resident Magistrates' Court of Songea.

Eventually, this application is granted subject to the above conditions. The bail conditions and approval of sureties shall be executed by the trial Court. It is so ordered.

**DATED** and **DELIVERED** at **SONGEA** this 22<sup>nd</sup> day of March, 2024.



  
**U. E. MADEHA**

**JUDGE**

**22/03/2024**

**COURT:** Ruling is read over in the presence of the Applicants, Mr. Makame Sengo, the Applicants' advocate and Mr. Elipid Tarimo, the learned State Attorney for the Respondent. Right of appeal is explained.



  
**U. E. MADEHA**

**JUDGE**

**22/03/2024**