

IN THE HIGH COURT OF TANZANIA
CORRUPTION AND ECONOMIC CRIMES DIVISION
(DAR ES SALAAM REGISTRY)
AT DAR ES SALAAM

MISC. ECONOMIC CAUSE NO. 38 & 39 OF 2017

(Originating from Economic Crime Case No. 35 of 2015 Kisutu Court)

1. BENSON VITALIS MALEMBO
2. DAVID FAUSTINE CHIMOMO
3. SAFINA KASSIM RUPIA

.....APPLICANTS

VERSUS

REPUBLICRESPONDENT

Date of last order- 4/10/2017
Date of Ruling - 6/10/2017

R U L I N G

W.B.Korosso,J:

Before the Court was Misc. Economic Cause No. 38 of 2017 with Benson Vitalis Malembo as the applicant and Misc. Economic Case No. 39 of 2017 where David Faustine Chimomo and Safina Kassim Rupia where the applicants. All the applications emanate from Economic Crime Case No. 35 of 2015 at Kisutu RM's Court.

The court upon application by counsels for the applicants and having no registered objection from the respondents, proceeded to consolidated the two applications, leading to all being under the auspices of Misc. Economic cause No. 38 of 2017 and thereafter having Benson Vitalis Malembo as the 1st Applicant; David Faustine Chimomo as the 2nd applicant and the 3rd applicant being Safina Kassim Rupia.

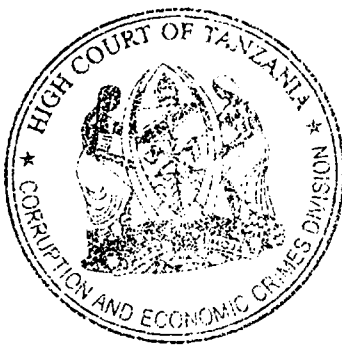
Having considered the submissions by counsels for the applicants, the applications are filed under **S. 29 (4) (d) and 36(1) of the EOCCA, [Cap 200 R.E. 2002]**. The applicants prayed for their affidavits for 1st applicant deposed by Amin Mshana duly appointed and instructed Advocate and a joint affidavit by the 2nd and 3rd applicant to be part of the applicants submission. The applicants submitted that the offences they are charged with are bail able and prayed for lenient conditions which they will be able to fulfil if the Court is inclined to grant bail.

The Court despite advancement by the counsel for the 1st applicant to also consider the merit of the charge against the 1st applicant when considering bail finds that it is not the proper time at this juncture to go into the merits of the charge and if the

applicant feels they are malicious or do not reflect the reality then the proper place to challenge is at the Court hearing the matter and not at this stage of determination of bail application. The court finds no reason to refuse bail, the respondents having registered no objection only to pray the Court be guided by the law when considering conditions if it grants bail. This being the case and being satisfied that it has the jurisdiction to entertain the application, Benson Vitalis Malembo, David Faustine Chimomo and Safina Kassim Rupia are hereby admitted to bail upon the following conditions set hereinunder;

1. Each applicant to deposit Tshs. 901,355,016.00 or immovable property of equivalent value. The amount being derived after considering the principle of sharing, there being seven accused persons in Economic Crime Case No. 35 of 2015 pending at RM's Court of Dar es salaam at Kisutu.
2. Each applicant to provide two reliable sureties who are to execute a bond of Tshs 25,000,000/= each. One of the two sureties for each applicant must be employed in the service of the Government of United Republic of Tanzania or a Public Institution.
3. The applicants are not to leave the jurisdiction of this Court without permission of the Deputy Registrar.
4. The applicant to surrender passport or other travelling documents to Deputy Registrar..

5. Applicants to report to RCO Dar es salaam upon a schedule designed by the Regional Crimes Officer.
6. Verification of documents related to sureties and bond to be effected by Resident Magistrate Court of Dar es salaam at Kisutu.



Winfrida B. Korosso,
Judge,
6 October, 2017