

**THE UNITED REPUBLIC OF TANZANIA**  
**JUDICIARY**  
**IN THE HIGH COURT OF TANZANIA**  
**CORRUPTION AND ECONOMIC CRIMES DIVISION**  
**AT DAR ES SALAAM**

**MISC. ECONOMIC CAUSE NO. 66 OF 2018**

(Originating from Economic Crime Case No. 89 of 2018  
of Morogoro Resident Magistrate's Court)

**1. OMARI HAMISI**  
**2. DUNIA RAJABU KISIMIKWE** } .....**APPLICANTS**

Versus

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

**R U L I N G**

Date 22/11/2018

**Korosso, J.**

The applicants Omari Hamis (1<sup>st</sup> applicant) and Dunia Rajabu Kisimikwe (2<sup>nd</sup> applicant) who face charges in Economic crime case NO.89 of 2018 at Resident Magistrates' Court Morogoro, are the 4<sup>th</sup> and 5<sup>th</sup> accused in charges with ten accused persons.

The applicants filed an application by way of chamber summons supported by an affidavit deposed by Zainab Mrisho Mwatawala, advocate for the applicants. The application is made pursuant to section 29(4)(d) and 36(1) and (5) of the Economic and Organized Crime Control Act, Cap.200 RE 2002. The relief sought in the application by the applicants is that the Court be pleased to grant

bail to the applicants, pending hearing and final determination of Economic Crimes Case No.89 of 2018 pending in the Resident Magistrates Court of Morogoro Region at Morogoro.

Having heard the learned counsels for the applicants and the respondents, it is clear that the competency of the application has not been challenged. The court finds this to be the case and that the provisions cited to move the Court are proper and thus rendering the application competent before the Court.

The Court also having accessed the submissions and affidavital evidence before it, is satisfied that as also conceded by the learned State Attorney for the respondents, and also vide the totality of averments in paragraphs in the affidavit, that this Court has jurisdiction to hear and determine the application. This is because, the applicants are charged with an economic offence vide count No.2, and the value of the charged property is above ten million shillings. There is also the fact that the pending case at Resident magistrate's Court of Morogoro, cited hereinabove, is at a stage where trial is yet to commence nor has committal proceedings been effected. Therefore taking all these factors in consideration this Court's jurisdiction is not in doubt.

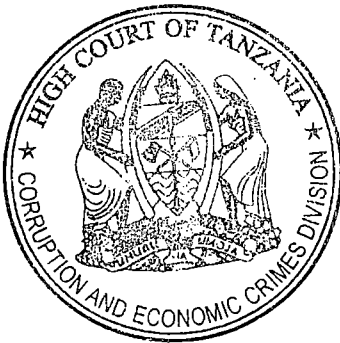
That being the position, when considering the bail application before the Court, the fact that the respondents have not objected to bail as prayed by the applicants is a matter that this Court has considered. Also the fact that the offences charged against the applicants are bailable.

Therefore we find nothing to deter this Court from granting the relief sought by the applicants. Consequently, OMARI HAMIS (1<sup>st</sup> applicant and DUNIA RAJABU KISIMIKWE are hereby admitted to bail subject to the following conditions:

1. Each applicant to deposit Tshs. 600,000/= (having considered the principle of sharing there being ten accused persons in the charges against the applicants) or immovable property of equal value.
2. Each applicant to provide reliable sureties, and each surety shall execute a bond of Tshs.500,000/=: and show evidence of residing within the vicinity of the jurisdiction of this Court, and also be an employee of the Government or its institutions or possess a National identity Card issued by NIDA
3. Applicants not to leave the vicinity of the area within the jurisdiction of this court without being authorized by the Resident Magistrate, Resident Magistrates Court, Morogoro Region at Morogoro.
4. Each applicant to surrender all Travel documents including passport to the Resident Magistrate, Court of Resident Magistrate Morogoro Region at Morogoro
5. Applicants to Report to the Regional Crimes Officer Morogoro at a schedule designed by the RCO Morogoro.

6. Verification and approval of all bond matters, documents and sureties related to this bail application will be effected by Resident magistrate, Resident Magistrate's Court of Morogoro Region at Morogoro.

Ordered.



Sgd: W.B. Korosso

**JUDGE**

**22/11/2018**