

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

MISC. ECONOMIC CAUSE NO. 34 OF 2018

(Arising from Economic Crime Case No. 50 of 2018 at the Resident
Magistrate's Court of Dar es Salaam at Kisutu)

1. FLORA SULEIMAN BWAHAMA
2. HAWA ADAM TABU YANJAA } **APPLICANTS**

VERSUS

THE REPUBLIC **RESPONDENT**

Date of Last Order: - 30/07/2018

Date of Ruling: - 30/07/2018

R U L I N G

W.B. KOROSSO, J

Flora Suleiman Bwahama (1st applicant) and Hawa Adam Tabunjaa (2nd applicant) have filed an application before this Court under a certificate of urgency pursuant to section 29(4)(d) and 36(1) of the Economic and Organized Crime Control Act, Cap 200 RE 2002 (EOCCA) seeking orders that this Court be pleased to grant bail to the applicants and any other orders or conditions the Court may deem fit to grant. The application is supported by a joint affidavit sworn and affirmed respectively by the applicants.

The applicants affidavit and oral submissions by the applicants counsel alluded to the fact that the applicants were arrested on the 28th of June 2018 and charged with one count relating to an economic offence in Economic Crime case No. 50 of 2018 pending at RMs Court of Dar es Salaam at Kisutu.

The relevant charges are as outlined in the appended charge sheet marked JLC1. From the affidavital evidence and oral submissions by the applicants counsel, the applicants have been employees of the Tanzania Telecommunications Company Limited (TTCL) for more than twenty years working in various departments including the Accounts department. The applicants have families and it is alluded in paragraph 7 of the joint affidavit that the families are dependent upon the applicants for their livelihood and sustenance.

The Respondents did not file a counter affidavit and during the hearing were represented by Mr. Faraji Nguka, learned State Attorney and submitted that they have no objection to the application. The respondents acknowledged the fact that the charges against the applicants are bailable, and sought the Court when exercising its jurisdiction and grants bail to the applicants, to provide conditions for bail that consider the value of the property charged and also to ensure that reliable sureties are provided to ensure availability of the applicants to meet any hearings regarding the charges they face.

Having considered the submissions and affidavital evidence before the Court, it is imperative to start by considering the jurisdiction of this Court to entertain the matter. Both counsels have conceded to the jurisdiction of the Court. By virtue of the fact that the charges facing the applicants include occasioning loss to a specified authority contrary to paragraph 10(1) of the First schedule to and section 57(1) and 60(20) of the EOCCA and thus an economic offence, and the fact that the charged property value is Tshs. 57,733,122/- and therefore above ten million shillings. There is also the fact

that the cited provisions to move the Court are section 29(4)(d) and 36(1) of the EOCCA, there is thus no doubt with regard to the jurisdiction of this Court to entertain and determine the application. We thus hold that having regard to all stated above, the application is competent and this Court is vested with requisite jurisdiction and will proceed accordingly.

The second issue for consideration is whether the offence is bailable. The learned counsel for the applicants and the learned State Attorney all conceded to the this fact and having regard to the law, the offence charged is bailable and there being no objection registered by the Respondents, this Court finds no reasons to desist from granting the prayers sought by the applicants in the application before this Court.

Consequently FLORA SULEIMAN BWAHAMA (1st applicant) and HAWA ADAM TABUNJAA (2nd applicant) are hereby Admitted to bail upon fulfilment of the following conditions:

1. Subject to the principle of sharing, (there being three accused person in the charges facing the applicants in Economic Case No. 50 of 2018) each of the applicant to deposit cash Tshs. 9,622,187/= or immovable property of equal value
2. Each of the applicants to provide two reliable sureties residing under the jurisdiction of this Court, who are to execute a bond of Tshs. 1,500,000/- each. One of the two sureties for each applicant must be employed in the service of the Government of United Republic of Tanzania or her Institutions.

3. The applicants not to leave the jurisdiction of this Court without permission from the Resident Magistrate, Resident Magistrate of the Court of Dar es Salaam Region at Kisutu.
4. Each of the applicants to surrender all travel documents including passports to the Resident Magistrate, Resident Magistrate of the Court of Dar es Salaam Region at Kisutu.
5. The applicants to Report to Regional Crimes Officer (RCO) Dar es Salaam Region upon a schedule provided by the RCO, Dar es Salaam Region
6. The Resident Magistrate, Resident Magistrate of the Court of Dar es Salaam Region at Kisutu, to verify sureties and all relevant bond documents.

Ordered.



Winfrida B. Korosso

Judge

30th July 2018