

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

THE CORRUPTION AND ECONOMIC CRIMES DIVISION

DAR ES SALAAM DISTRICT REGISTRY

MISC. ECONOMIC CAUSE NO. 46 OF 2018

(Arising From Economic Crime Case No. 6 of 2018, District Court of Kilosa at Kilosa)

**KISARIKA YOHANA @SHEKIFU
VERSUS
REPUBLIC**

RULING

Before the Court is an application for bail filed under certificate of urgency pursuant to section 29(4)(d) and 36(1) of the Economic and Organized Crime Control Act, Cap 200 RE 2002, supported by an affidavit sworn by Kelvin Tadei Luambano, the applicants learned advocate. The applicant's relief sought is for bail to be granted to him on conditions the Court may deem fit pending trial in Economic Case No. 6 of 2018 at District Court of Kilosa at Kilosa.

The Respondents filed a counter affidavit sworn by Florentina Leonce Massawe, of which, in effect there was no objection to the relief sought by the applicant.

The applicant was represented by Mr. Frederick Msumali assisted by Mr. Kelvin Luambano, learned advocates respectively, while on the part of the

Respondent Republic, Ms. Tully Helela assisted by Ms. Nalindwa Sekimanga, learned State Attorneys respectively entered appearance. Both parties sought for their respective affidavits to be adopted as part of respective submissions.

On the part of the applicants both oral submissions and affidavital evidence expounded the fact that the applicant is charged with Economic crime case No. 6 of 2018 at Kilosa District Court at Kilosa with charges as can be discerned from a copy of the charge sheet annexure "ECC-1", The charge being an economic offence and the value of the charged property being Tshs. 22,000,000/-. Arguing that, the amount being above ten million shillings then there is no doubt that the jurisdiction to hear and determine the application lies in this Court.

The applicant prayed for lenient conditions and promised to comply with all conditions imposed by the Court if bail is granted and submitted that he has never been convicted or tried of any other offence before the pertaining charges at Kilosa District Court. The applicant through his counsel submitted that he is a law abiding citizen whose work and fixed abode is situated in Kilosa, Morogoro Region. The applicant beseeched the Court to grant him bail and assured the Court of available reliable, good abiding citizens as sureties, who have fixed assets and will ensure his appearance in court when required to do so.

On the part of the Respondent Republic, the learned State Attorney, first conceded the fact that this Court is the one vested with jurisdiction to entertain the bail application, having regard to the offence charged against

the applicant, and the value of the property charged which is over ten million shillings. The respondents also submitted that the application is competent in view of the cited provisions to move the Court finding them to be proper.

The respondents counsel also informed the Court that they do not object to grant of bail to the applicant, praying for the Court to be guided by the provisions of section 36(5) and 36(6) of the Economic and Organized Crime Control Act, Cap 200 RE 2002, in terms of conditions to impose to the applicants, where it exercises its discretion and grants bail to the applicant.

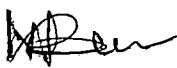
We have considered all the submissions before the Court, and the jurisdiction of this Court to determine the application is not in doubt, in view of the value of the charged property which is above ten million and the offence charged, which is an economic offence. Also the fact that the pending charges at Kilosa District Court are at the stage where no trial has been initiated nor committal proceedings. Consideration has also been on the fact that the provisions cited to move the Court to hear and determine the application are proper and thus rendering the application competent.

The respondents have not registered any objection to the application before the Court and the offence charged is bailable. This being the case, we find no plausible reasons not to grant the prayers sought by the applicant. In the premises, Bail is hereby granted to KISARIKA YOHANA SHEKIFU (the applicant) as prayed, subject to the following conditions:

1. The applicant to deposit cash Tshs. 6,500,000/- (considering the value of the property charged) or immovable property of equal value to the amount ordered to be deposited.
2. The applicant to provide two reliable sureties who are to execute a bond of Tshs. 2,000,000/- each and satisfy the Court on having residency in the area within the jurisdiction of this Court. Sureties have to be either employees of the Government or possess a national identify card issued by NIDA.
3. The applicant not to leave the jurisdiction of this Court without permission from the Resident Magistrate, District Court of Kilosa at Kilosa
4. The applicant to surrender their passport and any other travelling documents to the Resident Magistrate, District Court of Kilosa at Kilosa.
5. The applicant to Report to the OC-CID Kilosa according to a schedule to be prescribed by the OC-CID Kilosa.
6. Verification of the sureties and bond documents shall be executed by the Resident Magistrate, District Court of Kilosa at Kilosa.

Ordered.




Winfrida B. Korosso
Judge
2nd October 2018