

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

**MISC. ECONOMIC CAUSE NO. 54 OF 2018**

(Originating from Economic Crimes Case No. 57 of 2018 - Resident  
Magistrate's Court of Dar es Salaam at Kisutu)

**KELVIN ODEN SIAME**

VERSUS

**REPUBLIC**

**RULING**

*4/10/2017*

**Korosso, J.**

Kelvin Oden Siame application to be granted bail is before this Court. The application is via chamber summons supported by an affidavit sworn by the applicant himself. The application is pursuant to section 29(4)(d) and 36(1) of the Economic and Organized Crime Control Act, Cap 200 RE 2002 (EOCCA). The prayer sought in the application is for the application to be granted bail and conditions in Economic case No. 57 of 2018 pending at the Resident Magistrate Court of Dar es Salaam Region at Kisutu.

At the date setting for hearing, the applicant, who appeared in person being unrepresented, amplified his application, stating that he is a law abiding citizen, who has never been charged with any other offence prior to the current charges nor has he ever absconded or jumped bail from any other criminal charges. The applicant also avers in his affidavit that this Court is the one vested with jurisdiction to entertain the application bearing in mind the fact he faces

economic offences whose property value is above ten million shillings. The applicant also submitted that the offence charged is bailable and if the Court so grants bail, he will abide to all the conditions imposed by the Court and will be available to attend any court hearing date as directed by the Court.

On the part of the respondents, they filed no counter affidavit, informing the Court they found no need to do so because they have no objection to the application before the Court but prayed the Court if it decides to grant bail to be guided by the provisions of section 36(5) and 36(6) of the EOCCA when considering conditions to impose. The respondents also conceded to the fact that jurisdiction to entertain this application vests in this court bearing in mind the offence charged against the applicant, the amount of charged property and the stage the case is at. The respondents also conceded to the appropriateness of the provisions cited to move the Court to hear and determine the application, and thus stating that the application is competent. The applicant had no rejoinder except to reiterate the contents of his application.

We have had time to consider the oral submissions from the applicant and the counsel for respondents and also the affidavital evidence before the Court. We are satisfied that the application is competent bearing in mind the fact that the provisions cited to move this Court to hear and determine the application are proper. We are also satisfied that having regard to the fact that the offence charged against the applicant in Economic Case No. 57 of 2018 pending at RM's Court Kisumu includes economic offences whose charged

property value is above ten million shillings, and also the fact that the pending case is yet to undergo committal proceedings nor is there a certificate filed by the Director of Public Prosecutions to confer jurisdiction to try the case at the RM's court as submitted by the learned State Attorney, therefore this Court is vested with jurisdiction to hear and determine the application.

The other matter this Court considered is the fact that the Respondents have not registered any objection to the application and also the fact that the offence charged against the applicant is bailable. We have also considered reassurance by the applicant that he will make himself available on dates set for hearing of his pending case, which is one of the most important factor for consideration when determining whether or not to grant bail to an accused person.

That being the case, for reasons stated above, we proceed to grant the prayers by the applicant. Therefore KELVIN ODEN SIAME is hereby granted bail subject to the following conditions set hereunder:

1. The applicant to deposit cash Tshs. 11,620,450/- (considering the value of the property charged and on consideration of the principle of sharing for each count he is charged, there being two accused persons in the charges). 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. 1,500,000/- 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, Resident Magistrate's Court of Dar es Salaam Region at Kisutu.
4. The applicant to surrender their passport and any other travelling documents to the Resident Magistrate, Resident Magistrate's Court of Dar es Salaam Region at Kisutu.
5. The applicant to Report to the Regional Crimes Officer, Dar es Salaam according to a schedule to be designed and prescribed by the RCO Dar es Salaam.
6. Verification of the sureties and bond documents shall be executed by a Resident Magistrate, Resident Magistrate's Court of Dar es Salaam Region at Kisutu.

Ordered.



**Winfrida B. Korosso**  
**Judge**  
**4th October 2018**