

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
THE CORRUPTION AND ECONOMIC CRIMES DIVISION
AT DODOMA SUB REGISTRY**

MISC. ECONOMIC CAUSE NO. 13 OF 2017

(Originating from Dodoma Resident Magistrates' Court at Dodoma
in Economic Case No. 10 of 2016)

1. RICHARD MTWANGULWA 1ST APPLICANT
2. BAHATI CHAMLE 2ND APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

Date of Last Order: - 15/11/2017

Date of Ruling: - 16/11/2017

RULING

F. N. MATOGOLO, J.

The applicants Richard Mtwangulwa and Bahati Chamle were arraigned in the Resident Magistrates' Court of Dodoma at Dodoma as first and second accused respectively with the offence of unlawful possession of Government trophies contrary to section 86(1)(a)(c) and part A of the second schedule to the Wildlife Conservation Act, No. 5 of 2009 and section 57(1) and 60 of the Economic and Organized Crimes Control Act, [CAP. 200 R.E, 2002].

It is alleged that on 30/11/2016, at Mpwayungu village within Chamwino District in Dodoma Region, the two applicants/accused persons

were found in possession of Government trophies to wit: ten (10) pieces of dikdik meat (three pieces) valued at Tshs. One million, six hundred and twenty eight thousand, two hundred and fifty hundred shillings only (Tshs. 1,628,250/=) without permit from the Director of Wildlife.

The applicants have filed this application for bail which is by chamber summons made under S. 29(4) (d), S. 36(1) of the Economic and Organized Crimes Control Act and S. 148(1) of the Criminal Procedure Act, [CAP. 20 R.E, 2002]. The chamber summons is supported by an affidavit taken at the instance of one Miriam Ndeserua, learned advocate for both applicants. The respondent/Republic did not file Counter Affidavit.

For purpose of arguing the application, the applicants engaged legal services of Ms. Miriam Ndeserua, learned advocate whereas Mr. Harry Mbogoro, learned State Attorney appeared for the respondent/Republic.

In arguing the application, the applicants' learned advocate prayed for the applicants to be admitted to bail considering that the involved amount in the charged offence is bailable. Besides, the applicants have reliable sureties to stand bail to the applicants who are also residents within geographical jurisdiction of this Court incase this Court grants bail.

In response to the foregoing submission, Mr. Mbogoro learned State Attorney essentially, did not object grant of bail to the applicants considering that the charged offence is bailable in law and that bail is a constitutional right to accused persons. Ms. Miriam Ndeserua learned advocate had nothing in rejoinder.

Having considered the application at hand and the respective submissions by the applicant's advocate and the learned State Attorney there is no doubt that this court is properly moved to consider the matter at hand.

It was correctly submitted by the applicants' learned counsel as well as the learned State Attorney, that the offence applicants are charged is bailable. The respondent does not object bail to the applicants. Likewise; this Court has not been availed any reason(s) warranting refusal of bail to the applicants.

Therefore, this Court grants the application. The applicants may be released on bail upon fulfilling the bail conditions as herein bellow prescribed;-

1. Each applicant shall execute a bail bond of Tshs. 2,000,000/=.
2. Each applicant must also produce two (2) reliable surities who each should execute a bond of Tshs. 1,000,000/=.
3. Each applicant should not leave Dodoma region without prior permission of the Resident Magistrate in charge of Dodoma Resident Magistrates' Court.
4. Each applicant must surrender to Dodoma Central Police Station his passport and any other travelling document(s) he might be possessing.
5. Each applicant must report to Dodoma Central Police Station once in a month.

6. Each applicant should appear before the Court on the specific time and dates as scheduled by the Resident Magistrates' Court of Dodoma.

It is further ordered that;-

1. The sureties produced by each applicant must be approved by the Resident Magistrate in charge of Dodoma Resident Magistrates' Court. By reliable sureties means, persons who have good reputation in the society they live with recognized place of abode and possessing immovable assets.
2. The Resident Magistrate in charge of Dodoma Resident Magistrates' Court must ensure that all bail conditions are accordingly met and implemented before and after releasing the applicants on bail as above prescribed.

Order accordingly.




F.N. MATOGOLO
JUDGE
16/11/2017