

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(IN THE DISTRICT REGISTRY OF BUKOBA)

AT BUKOBA

MISC. ECONOMIC CRIMINAL APPLICATION No. 16 OF 2021

(Arising from the Resident Magistrate Court of Bukoba at Bukoba in Economic Case No. 14 of 2021)

GEOFREY S/O KUNDY----- APPLICANT

Versus

THE REPUBLIC----- RESPONDENT

RULING

Date of Ruling: 06.01.2022

Mwenda, J.:

This is an application brought under sections 29(4) (d) and 36 (1) of the Economic and Organized Crime Control Act [CAP 200 R.E 2019] and section 392 A (1) and (2) of the Criminal Procedure Act [CAP 20 R.E 2019].

It is supported by a chamber summons and an affidavit sworn by Mr. Joseph John Mutahyabarwa, learned Advocate for the applicant. The applicant is praying for the following orders that:

- i) This Honourable Court be more than pleased to grant bail to the applicant who is facing RM Economic Crime Case No. 14 of 2021 filed before the Resident Magistrate's Court of Bukoba;
- ii) Any other orders as the Hon. Court may deem fit to grant.

When served with the application papers the respondent Republic did not file any counter affidavit.

Submitting on behalf of Mr. Matete and Mutahyabarwa, learned advocates, Mr Kabunga learned advocate stated that the present application is supported by an affidavit sworn by Mr. Mutahyabarwa. He thus prayed the same to be adopted as forming part to his submissions.

He further submitted that the present application is related to the consolidated Misc. Criminal Economic Application No. 2, 3, and 7 of 2020. In the said application, he said, this court granted bail to 11 applicants. He said the present applicant was joined in Economic Crime Case No. 14 of 2021 on 30.12.2021 when consolidated Misc. Criminal Economic Application No. 2, 3 and 7 was already determined. He thus prayed this court to grant bail and adopt conditions set by this court on the ruling dated 24.04.2021.

Responding to the submissions from the applicant's side Mr. Juma Mahona submitted that the republic supports this application. He also submitted that they are in support to the prayer of adopting conditions which were set by this court in Consolidated Misc. Criminal Economic Application No. 2, 3 and 7 of 2020.

He added that in adopting the second bail conditions this court should consider the applicant's residence which is Dar es salaam.

Having summarized submissions by the learned counsel for both parties, it is clear that the present applicant is joined as the 13th accused in Economic Crime Case No. 14 of 2021 which is pending before the Resident Magistrate Court of Bukoba at Bukoba. It is also clear that on 12. 04 .2021 this court granted bail to 11 accused persons i.e (1st – 11th) in Consolidated Misc. Economic Criminal Applications No. 2,3 and 7 of 2020.

Since the applicant's co-accused were granted bail and the conditions were set as stated above, this court is of the view that he deserves similar treatments because the respondent have not objected bail in line to the provisions of Section 36 (2), (3) and (4 (a) (b) (c) (d) and (e)) of the Economic and Organised Crime Control Act [Cap 200 R.E 2019], and for that matter this application is granted.

Therefore, this court hereby grant bail to the applicant upon fulfilling the following conditions as follows:

- 1) The Applicant to surrender his passport or any other travelling document, if any to the Regional Crime Officer, Kagera Region;
- 2) The Applicant shall report to the Resident Magistrate in charge of the Resident Magistrate' Court in Dar es Salaam once in every last Monday of a month and sign specific register, if need be.

- 3) The Applicant shall not travel out of his respective Region of residence without prior written consent of the Resident Magistrate In- Charge of the Magistrates' Court of the Region;
- 4) The Applicant should have two sureties and one must be an employee of the government, local government agency or any other organization recognized under the law and must be resident within the United Republic of Tanzania;
- 5) The Applicant's sureties should submit letters and certified copies of identity cards from their respective employers;
- 6) The Applicant's sureties should produce in court letter of introduction from their respective street or village chairman;
- 7) The Applicant must enter appearance in court on every date when the case is scheduled for mention, hearing or any other order or direction of the court;
- 8) The Applicant's sureties shall undertake to make sure that this Applicant is available and enter attendance in court whenever required;
- 9) The Applicant shall deposit cash in sum of Tanzanian Shillings One Hundred Million (100,000,000/=) Only or in alternative to deposit an immovable property equivalent to Tanzanian Shillings One Hundred Million (100, 000, 000/=) Only; in case the Applicant decides to deposit immovable property, he shall deposit title a deed supported by a Valuation Report from the Government Valuer;


10) Each of the Applicant's sureties must sign a bond of sum of Tanzanian Shillings Fifty Million (50,000,000/=) Only as a security for appearance of the Applicant in court; and

11) The above ordered bail conditions shall be supervised and sureties certified by the Deputy Registrar of this court.

It is accordingly ordered.

 A.Y. Mwenda
Judge
06.01.2022

This ruling was delivered in chamber under the seal of this court in the presence of the learned State Attorney Mr. Juma Mahona and in the presence of the Applicant and his learned counsels Mr. Aaron Kabunga, Matete and Mutahyabarwa.

 Y. Mwenda
Judge
06.01.2022

