

TANZANIA / JUDGMENT

daudi rogetus hilary vs republic

2018 tzhc 2069 5 april 2018

COURT
TZHCDECIDED
5 April 2018

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA THE CORRUPTION AND ECONOMIC CRIMES DIVISION AT SONGEA MISC. ECONOMIC CAUSE NO. 3 OF 2018 (Originating from Songea District Court Economic Case No. 01/2018) DAUDI ROGETUS @ HILARY.....APPLICANT VERSUS THE REPUBLIC..... RESPONDENT

RULING

MATOGOLO. J. The applicant Daudi Rogetus @ Hillary was arraigned before the District Court of Songea charged vyith three counts, namely stealing C/S 265 of the Penal code, receiving stolen or unlawfully obtained property C/S 311 of the Penal Code and occasioning loss to a specified authority. It is alleged that on 21st day of January 2018 at Bombambili. Area within Songea municipality, the applicant committed the above mentioned offences which involve telephone wire gauge 0.63 weighing 500 grams and valued at 11,250,000/= property of Tanzania Telecommunication company limited (TTCL) The applicant has come to this Court with his bail application filed under S. 29(4) (d) and S. 36 (1) of the Economic and Organized Crime Control Act, [Cap. 200 R. E. 2002] (the Act), praying for bail. The application is supported by the applicant affidavit. In his submission in support of the application, Mr. Mapunda advocate who represent the applicant urged this court to grant to the applicant bail as the charged offence is bailable one. On her part Ms Hellen Chuma did not object to bail. I have heard Mr. Mapunda learned advocate as well as Ms Hellen Chuma learned State Attorney. I have also gone through the applicant's affidavit. The offences which the applicant is facing are bailable one. The Republic/respondent did not object bail, there is no any other reason a vailed to this court which warranting denial of bail to the applicant. I there fore grant the application. The applicant may be released on bail upon fulfilling the following conditions;

1. The value of the involved property is Tsh 11,250,000/= which is above ten millon shillings. The applicant therefore has to deposit cash in court equal to half of that amount, that is has to deposit Tsh 5,625,000/= pursuant to section 36 (5)(a) of the Act. The remaining half is to be secured by signing a bond. Alternatively, applicant has deposit immovablG property of value not less than 5^5 ,000/= located within Songea district. This may be by depositing Title Deed of such property if registered one. For unregistered property has to furnish evidence of

ownership from local authority where the property is located. The immovable property should not be incumbered.

2. The applicant shall not leave Ruvuma region without permission from the Resident Magistrate in charge of RM's Court Songea.
3. The applicant shall continue to attend his case on every scheduled date
4. the applicant has to report to the RCO Songea once in a month on Friday of the second week.
5. The applicant has to produce two reliable sureties residents of Songea district who each shall sign a bond of Tsh. 5,000,000/=
6. the Deputy Registrar Songea shall approve the sureties and bail documents before the applicant is released on bail. It is so ordered. 3 05/4/2018. COURT Ruling delivered today in the presence of the applicant, his advocate Mr. Mapunda and in the presence of Helen Chuma learned State Attorney. * ^600 4

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CASE PAGE <https://chat.esheria.ai/case-law/tanzania/daudi-rogetus-hilary-v-the-republic-bail-tzhc-2018>

Prepared on 13 October 2026 · Esheria