

TANZANIA / JUDGMENT

naufadi omary peter another vs republic 2021 tzhc 9040 24 december 2021

COURT
TZHCDECIDED
24 December 2021

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IN THE HIGH COURT OF TANZANIA (DAR ES SALAAM DISTRICT REGISTRY) AT DAR ES SALAAM
MISC CRIM APPL NO. 263 OF 2021 (Originating from Economic Crime Case No 07 of 2021
pending at District Court of Rufiji District at Utete before Hon. F. Mjaya-RM) NAUFADI OMARY
PETER..... 1st APPLICANT HERMAN HAMISI SHABANI..... 2nd
APPLICANT VERSUS REPUBLIC.....RESPONDENT

RULING

23/12/2021& 24/12/2021 J. L MASABO.: - This is an uncontested application for bail. The applicants stand charged of economic offences in Economic Crime Case No.07 of 2021 before the District Court of Rufiji District at Utete. Their main prayer is that they be admitted on bail pending trial of the case against them. The affidavit and the charge sheet filed in support of the application show that the applicants are charged of unlawful possession of government trophies contrary to section 86(1) and (2) (iii) of the Wildlife Conservation Act, No. 5 of 2009 read together with paragraph 14 of the 1st Schedule and section 57(1) and 60(2) of Economic and Organized Crime Control Act [Cap 200 R.E 2019] (EOCCA) and unlawful possession of ammunition contrary to section 21 of the Firearms and Ammunition Control Act No. 2 of 2015 read together paragraph 31 of the 1st schedule to and sections 57(1) and 60(2) of the EOCCA. It is alleged that on 13th October 2021, at Kilimani village, Rufiji District in Coast Region, they were both found in unlawful 1 possession of 240 kilograms of buffalo meat valued at USD 6,000 equivalent to Tshs 11,525,000/-. They were also on the material date found in unlawful possession of one cartridge and one round ball without licence. Considering that the offence against which the applicants stand charged are bailable and the application is within the purview of section 29(4)(d) of the EOCCA and considering further that the application for bail is uncontested, I allow the application and admit the applicants on bail on the following conditions:

1. As the total value involved in the offences is Tshs 11,525,000/=-, the Applicants shall deposit Tshs 5,762,500/=- being half of the total value. In view of the principle of sharing, since there are accused persons, each applicant shall deposit in court a sum of Tshs 2,881,250/=- or, in the ALTERNATIVE, deposit a Title Deed of an immovable property of the value not less than Tshs 2,881,250/=- The immovable property must be located within Coast region and shall be free from any encumbrance. The other half, that is, Tshs 2,881,250/=-, will be executed by

signing a bond;

2. Each Applicant must produce two reliable sureties and each surety shall sign a bond in the sum of 500,000/=. The sureties must be resident within Coast Region with recognized place of abode and must have National ID and letter of introduction from their respective local government authority;
3. Each applicant shall surrender his passport or any travelling documents (if any); 2
4. The movements of the applicants shall be confined within Coast Region. They shall not leave without the permission of the Resident Magistrate Incharge of the at District Court of Rufiji District at Utete.
5. The Applicants shall continue to attend to their case on the date and time scheduled;
6. The Resident Magistrate in charge of the District Court of Rufiji District at Utete shall verify the sureties and all bail documents before each applicant is released on bail. Order accordingly. DATED at DAR ES SALAAM this 24th day of December 2021 24/12/2021 X Signed by: J.L.MASABO J.L. MASABO JUDGE 3

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CASE PAGE <https://chat.esheria.ai/case-law/tanzania/naufadi-omary-peter-v-republic-bail-tzhc-2021>

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