

TANZANIA / JUDGMENT

## 20161214 TZHC Arusha

COURT  
TZHCDECIDED  
14 December 2016

Source: media.tanzlil.org · Research copy typeset by Esheria. Not court-issued or certified.

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA I IN THE DISTRICT REGISTRY OF ARUSHA I AT ARUSHA I MISC. CRIMINAL APPLICATION NO. 60 OF 2016 (Arising from the Resident Magistrate's Court of Arusha at Arusha, I Economic Case No. 75 of 2016)

1. SAMORA S/O LAZARO @ NNKO
2. GODWIN S/O KANANKIRA@ NASARI } .....APPLICANTS I VERSUS THE REPUBLIC ... I  
..... ■ . I . I I .. I .. I ■ ■ I ■ . ■ ... ■ .. ■ ... I I I ... I ... I .RESPONDENT I

## RULING

DR. M. OPIYO, J. The applicants in this case, stand charged with offence of interference with water supply; contrary to section 57 (~) read together with paragraph 20 I (1), 2 b and 3 (e) of the 1st Schedule of the Economic and organized crimes control Act (Cap. 200 R.E. 2009). Particulars of the offence as per the charge sheet is that on the 19th day of August at Nkoarenga village within Arumeru District in Arusha Region, jointly and together did willfully and unlawfully interfered with Maklrenga project water supply by I damaging pipeline which are used for the supply of water, the act which contravenes the Law and caused the said project loss of illegal water connection valued at eighty million. The application is preferred under section 29 (4) and 36 (1) of the Economic and organized crimes control Act (Cap. 200 R.E 2002), made by I way of chamber summons supported by an affidavit of Elidaima Fanuel Mbise, counsel for the applicants. In support of the application learned counsel Stated that on November, 2nd 1 2016 the Nakilenga Board reported to the Police about alleged destruction of water pipe leading to the arrest of some people from Nkuasenga Village including the two applicants. He said that under article 13 (6) (b); of the constitution of the united Republic of Tanzania a person is presumed innocent until proved guilty, therefore the accused persons who have not been found guilty are entitled to bail applied for. The respondent, who were represented by learned State Attorney I I Blandina Msawa did not object the application apart from urging the court to give due regard to the provisions of Law in granting the bail applied for. After consideration of the submission of both counsels, the court is I satisfied that the applicants are entitled to be committed to bail,, I j therefore grant them the same under the following conditions.

- (a) Applicant shall deposit title deeds, or any other evidence of I immovable property valued not less than 19,500,000/= nineteen million, five Hundred Thousand each.

- (b) Each applicant shall have two reliable sureties with fixed place of abode in Arusha Region whdm shall sign bail bond of Tshs. 10,000,000/= each. 2 •
- (c) Both applicants shall surrender their travelling documents, if any, to the Arusha central police station . . (d) Applicants are restricted from traveling outside Arusha Region without Permission of the Resident Magistrate in charge for Arusha.
- (e) Applicants shall be reporting at Arusha Centrql Police Station at the interval of Two Months until final determination of the case against them.
- (f) Order accordingly. (Sgd) DR. M. OPIYO, JUDGE 14/12/2016. I hereby certify this to be a true copy of the original. ~ DEPUTY REGISTRAR ARUSHA 3 I !

---

### Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

**ORIGINAL SOURCE**      [https://media.tanzlii.org/media/judgment/336765/source\\_file/b002f8d198ca265f/20161214\\_TZHC\\_Arusha.pdf](https://media.tanzlii.org/media/judgment/336765/source_file/b002f8d198ca265f/20161214_TZHC_Arusha.pdf)

**CASE PAGE**              <https://chat.esheria.ai/case-law/tanzania/samora-so-lazaro-nnko-v-the-republic-bail-tzhc-2016>

Prepared on 14 October 2026 · Esheria