

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(MOSHI DISTRICT REGISTRY)**

AT MOSHI

CRIMINAL APPLICATION NO. 22 OF 2020

ABDALLAH RASULIAPPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

13/1/2021, 13/1/2021

MWENEMPAZI, J

The applicant has filed this application for bail under the provisions of section 29(4) (d) and Section 36(1) of the Economic and organized crime control Act, Cap 200 RE 2019. He prays to be released on bail pending hearing and final determination of Economic Crime case No. 15/2020 pending in the District Court of Moshi at Moshi and any other order this court may deem it fit to grant in the circumstances.

The application is supported with the affidavit of Abdallah Rasuli Ramadhani. In it, by virtue of paragraphs 2 – 9, he has averred that the offence with which he has been charged with is bailable. He prays to be released on bail pending hearing and determination of the Economic Crime case filed against him. He has stated that he was arrested on 26th October, 2020 and taken to court on 5th November, 2020. He believes he is innocent

as he has no criminal record. He has stated that he has reliable sureties who are ready to execute bond on conditions set by this court once bail is granted. He has committed himself that he has no desire to evade due process of law and he intends to face his case in order to clear himself.

At the hearing of the application, the applicant was being represented by Mr. Hassan Rasuli Advocate and the Respondent was being represented by Mr. Kassim Nassir state Attorney.

In submission before this court, the counsel for the applicant has prayed that the affidavit by Abdallah Rasuli Ramadhani be adopted; and then he submitted that it is the right of the applicant under articles 13(6) (b) OF the Constitution, 1977 to be heard and granted bail as the Respondent basically are not objecting to the said application.

Mr. Kassim Nassir, learned state Attorney on his part has submitted to this court that the offence with which the applicant has been charged with is leading and organized crime contrary to paragraph 4(1) 9a) of the first schedule to, and section 57(1) of and 60(2) of the Economic and Organized Crime Control Act, Cap 200 RE 20019, and second count is Arson Contrary to section 319(a) of the Penal Code, Cap. 16 R.E. 2019 where the suspect wilfully and unlawfully set fire to a dormitory of Uchira Girls Islamic Secondary School which is Valued at Tshs. 22,920,300/= the property of Uchira Girls Islamic Secondary School. Though they do not object, they however pray this court issues strict conditions as the offence are related to terrorism. He prayed the court to abide by terms of bail set forth in section 36(5) (a) (b) and (c) of Cap 200 RE 2019.

I have considered the application and I have no doubt the offence charged is bailable. The conditions however are statutory and are in the provisions of section 36(5) of the Economic and Organized Crime Control Act, Cap 200 R.E.2019. The applicant is therefore admitted to bail as prayed under the following conditions.

1. He must have two sureties one should be employed in the government who shall execute a bond of Tzs. 10 million jointly.
2. The applicant has to deposit a security in court equal to the half the value of the property destroyed (Tshs. 22,920,300/=) that is cash Tzs. 11,460,150/= or a title deed of the immovable property with the equivalent value.
3. The applicant should appear in court on a specified date time and venue. In case he misses without notice and reasons then bail should be cancelled.
4. The applicant is restricted to stay within the region and not to travel out of the region (the jurisdiction of this court) without a written permit of the Deputy Registrar or Resident Magistrate Incharge of the region if the Deputy Registrar is not available.
5. The travel documents to be belonging to the applicant be surrendered to court and will be provided where the need and application is made subject to conditions of bail herein above.
6. The approval of sureties to be conducted before the Deputy Registrar.

It is ordered accordingly.




T. MWENEMPAZI

JUDGE

13/1/2021