

IN THE HIGH COURT OF TANZANIA

AT SUMBAWANGA

MISC. CRIMINAL APPLICATION No. 94 OF 2018

(Original Criminal Session No 27 of 2018)

NKUBA LUFEGA @ MATEMI.....APPLICANT

VERSUS

THE REPUBLICRESPONDENT

RULING

Date: 03.01.2019

DR. MAMBI, J.

The Applicant **NKUBA LUFEGA @ MATEMI** through his chamber summons filed this application for bail to the applicant pending trial of the main case. During hearing, the applicant who was unrepresented submitted that he rely on his document on application that he had already filled. The applicant in his affidavit admits to be charged with an offence of economic but he states that since such offence is bailable that is why he has decided to file for an application for bail. He has also pointed out that since there is no any certificate from the DPP that has objected his application on bail, he has right to bail.

The Republic, through the learned State Attorney Mr. Mwandoloma submitted that the Republic has no objection so long as the applicant is given conditions if the court decides to grant him bail.

I have considerably gone through the application supported by affidavit and submissions from both parties. It is clear from the records that the applicant is seeking bail pending determination of his main case (criminal Appeal No 94 of 2018) . I have also perused the facts for charge in which the applicant stands charged. Before this court decides to determine this application there are certain issues or questions that need to be addressed and answered. In my considered view the question before this court is that; is the offence under which the applicant is seeking bail bailable? If yes, does the circumstance of the case warrants this court to grant the bail or not?. If the answer is in affirmative, are there any conditions that the applicants needs to meet before such bail is granted?. If the answer is in negative what are reasons and grounds that could make this court to refuse this application?

It is clear from the law that the offence of Economic against which the applicant stands charged is not under the list of nonbailable offences under the law. This means that the offence of economic is bailable. It is indisputable fact that the main purpose of granting bail to the accused has always been to let him be free for a while pending his trial as long as his guilt has not yet been established beyond reasonable doubts. However, this purpose is subject to a number of limitations before the court grants such bail. I have considerably gone through the records and facts from prosecution

and finds that the circumstance of the case warrants this court to grant bail. In an of considered view that the applicant deserves bail at the court. It is prudent the accused be immediately granted bail by this court to avoid unnecessary delay of justice.

From the above reason, the court grants bail to the applicant subject to the following conditions:-

The applicant to have two reliable sureties residing within Katavi or Rukwa Region. All sureties to present introduction letters from their respective Kitongoji or Mtaa leaders to the High Court Registrar.

1. The sureties shall sign bond worth 10,000,000/= to the High Court of Sumbawanga
2. Applicant to report to the office of OC-CID of Mulele District, KATAVI Region once monthly from the date of this order.
3. Applicant to surrender his travelling documents or passports if any to this Court
4. The applicant will not travel outside Katavi Region without leave of the Court of Resident Magistrate (in charge) of Katavi Resident Magistrates Court.

DR. A.J. MAMBI

JUDGE

03.01. 2019

Ruling delivered in Chambers this 3rd day of December, 2019
in presence of both parties.



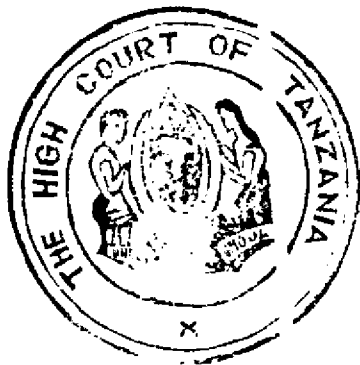
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DR. A.J. MAMBI

JUDGE

03.1. 2019

Order: Right of Appeal explained



A handwritten signature in black ink, appearing to read "A. J. Mambi".

DR. A.J. MAMBI

JUDGE

03.1. 2019