

**IN THE HIGH COURT OF TANZANIA**

**(IN THE DISTRICT REGISTRY)**

**AT MWANZA**

**MISC. CRIMINAL APPLICATION No.52 OF 2020**

*(Arising from High Court Criminal Session Case No. 237 of 2016 at  
Geita)*

**PETER S/O JAMES MSHASHI ..... APPLICANT**

**VERSUS**

**THE REPUBLIC ..... RESPONDENT**

**RULING**

*Last Order: 03.11.2020*

*Ruling Date: 03.11.2020*

**A.Z.MGEYEKWA, J**

The applicant, Peter S/O James filed an application through chamber summons supported by an affidavit deposed by Peter S/O James. The

application is pursuant to section 148 (1),(2) of the Criminal Procedure Act, Cap.20 [R.E 2002] Now [2019]. The applicant prayed as follows:

1. That, Honourable Court be pleased to issue and grant the Applicant's Application and released on bail to the charger or and
2. Any other orders that the court will deem fit to grant.

When the application was called for hearing on 03<sup>rd</sup> November, 2020 the applicant appeared in person, unrepresented and Ms. Gisela Alex, learned State Attorney represented the Republic.

The applicant through oral submissions had not much to say than to pray this court to grant him bail.

In reply thereto, Ms. Gisela, submitted that the application before this court is in regard for bail pending trial. She added that the chargers which face the applicant is attempted murder and in accordance to section 211 (b) of the Criminal Procedure Act, Cap.20 [R.E 2019], the offence is amongailable offences. Ms. Gisela went on to argue that the preliminary hearing was conducted therefore have no any objection to the application and

cautioned the court on the necessity to consider the mandatory requirement of bail conditions.

In conclusion, she prayed that the conditions of bail be such to make the applicant appear in court and that his sureties are ones who will make sure that the applicant is found and turn up whenever called up.

This court having considered the applicant affidavital averments, his oral rival submissions, and the Republic submissions I accordingly grant the application and admit the applicant PETER S/O JAMES to bail and pursuant to section 148 (1),(2) of the Criminal Procedure Act, Cap.20 [R.E 2019] on the conditions set hereunder:-

1. The accused will be required to provide reliable sureties.
2. Sureties to submit an introductory letter from their employers or Ward Officer.
3. Each surety to execute a bound of Tshs. 600,000/= each.
4. Accused is required to report to the District Court of Geita once in every two weeks that is every other Monday.
5. The accused will not leave the jurisdiction of this District Court of Geita without the permission of this court.

6. Verification of the sureties and bond documents shall be executed  
by the Deputy Registrar of the High Court Mwanza.

Order accordingly.

DATED at Mwanza this day of 03<sup>rd</sup> November, 2020.



A.Z. MGEYEKWA

**JUDGE**

03.11.2020

Ruling delivered in the presence of Ms. Gisela Alex, learned State Attorney  
and the appellant on 03<sup>rd</sup> November, 2020.



A.Z. MGEYEKWA

**JUDGE**

03.11.2020

