

IN THE HIGH COURT OF TANZANIA

AT MTWARA

MISC. CRIMINAL APPLICATION NO. 39 OF 2020

*(Originating from the Resident Magistrate Court of Lindi in Economic case
No. 7 of 2020)*

RAJABU HASSANI MFAUME.....1ST APPLICANT

HAMIS ABDALLAH SEIF MLEGE.....2ND APPLICANT

DADI HASSAN SHAMTE SHAYO.....3RD APPLICANT

MOSHI HAMISI MBELENJE.....4TH APPLICANT

FATUMA RAPHAEL PROTAS5TH APPLICANT

FATUMA IBRAHIMU KUMWALI6TH APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

The present applicants are craving for being released on bail. They are charged with an offence of seven counts at the Court of resident Magistrate Lindi.

This application has been supported by an affidavit sworn by Mr. Jeston Justin Mziliwi, learned advocate for the applicants.

The record is clear that the application has not been resisted by way of a counter affidavit or otherwise.

At the hearing of this application, Mr. Jeston Justin, learned counsel represented the applicants where as Mr. Paul Kimweri, learned Senior State Attorney appeared for the respondent.

Mr. Jeston Justin argued in support of the application. On part of the respondent, Mr. Paul Kimweri had no objection to the grant of this filed bailed application.

I have considered the chamber summons and the supporting affidavit. I have also taken into account the submission of learned advocate for the applicants and the fact that this application has not been resisted.

In view of the fact that bail is the accused person's constitutional right and the fact that the offences the applicants stand charged with are bailable, I grant the application and admit the applicants to bail on the following bail conditions:-

1. Each applicant/accused to execute a bail bond of Tshs. 20,000,000/= each with one reliable surety in the same amount.
2. The sureties to exhibit evidence of possession of immovable property situated within Lindi Region.

3. The sureties to be approved by the Deputy registrar.
4. The applicants/accused to surrender any travel documents, if any, to the OCD, Lindi District.
5. The applicants/accused shall not travel outside the local jurisdiction of Lindi Resident Magistrate's court without the written permission of the Resident Magistrate in charge of Lindi region.
6. The applicants/accused persons shall appear before the Resident Magistrates Court at Lindi on the dates and at the times as shall be directed by the Resident Magistrate's Court, Lindi.

Order accordingly.




W. P. DYANSOBERA
JUDGE
30.11.2020