

IN THE HIGH COURT OF TANZANIA

AT MTWARA

MISC CRIMINAL APPLICATION NO. 3 OF 2020

ORIGINAL MASASI DISTRICT COURT

ECO CRIME CASE NO. 4 OF 2020

SHARMILA ROSHAN MAJALI.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

PROCEEDINGS

Date: 4/3/2020

Coram: Hon. L. KASEBELE, AG. DR

Applicant – Absent

Respondent – Absent

For respondent – Absent

B/C: Mariam Mshana – RMA

Order: For hearing on 18/3/2020.

- Parties to appear.
- Summons be issued to parties

L. Kasebele

Ag. DR

4/3/2020

Date: 18/3/2020

Coram: Hon. W.P DYANSOBERA, J

Applicant – Present, Mr. Twaha Mtengera (Advocate)

Respondent – Absent

For respondent – Ms. Caroline Matemu (S/A)

B/C: Mariam Mshana – RMA

Mr. Twaha Mtengeza (Advocate)

My Lord, the matter is for bail application. The application made by a chamber summons supported by affidavit sworn by the applicant.

The applicant is facing an economic case No. 4 of 2020 in Masasi District. On 5.11.2019 the applicant was assigned in the court with her fellows (not in court) for 12 counts. She was involved in the 1st and 12th counts.

The 1st count was use of documents intended to mislead the principal. In the 12th count she was facing a charge of occasioning loss to a specified authority. Since the District court lacks jurisdiction to grant bail, the accused has preferred this application before the court for grant of bail.

In view of the fact that the accused is a public servant in Masasi, she deserves bail in accordance with court's condition to be set by the court.

Bail being a constitutional right, the applicant undertakes to comply with bail conditions and take her trial.

We humbly pray that she be admitted to bail so that she performs her other public duties.

Ms. Caroline Matemu (Senior State Attorney)

My Lord, the Republic has no objection as the law is clear that the offence is bailable and the court has discretion.

RULING

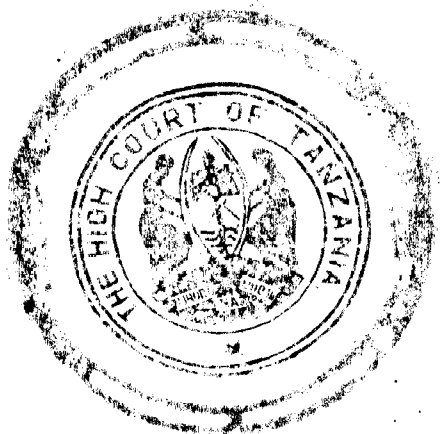
This is an application for bail. The application has been preferred under the auspices of the prison authority but it is supported by the affidavit sworn by the applicant.

Upon hearing the submission from Mr. Twaha Mtengera, learned counsel and there being no objection on part of the respondent Republic, the court is of the view that the application should be granted.

Since the applicant has, through her sworn affidavit, undertaken to abide by bail conditions and to take her trial, the application is hereby granted and the applicant is admitted to bail on the following bail conditions:-

1. She shall execute a bail bond of Tsh,. 15,000,000/= with two reliable sureties in the same amount each.
2. Each surety to have evidence of being in possession of immovable property situated in Masasi District.
3. The sureties to be approved by the District Registrar.
4. The applicant shall not travel outside the local jurisdiction of the District court at Masasi unless she obtains permission from the Resident Magistrate in charge of Masasi District.
5. The applicant shall surrender any travel documents, if any, to the OCD, Masasi for safe keeping.
6. The applicant to abide by bail conditions and take her trial in accordance with the Masasi District Court's directions.

Order accordingly.



A handwritten signature in black ink, appearing to read "W. P. Dyansobera".

W. P. DYANSOBERA

JUDGE

18/3/2020