

**THE HIGH COURT OF TANZANIA  
(DAR ES SALAAM DISTRICT REGISTRY)  
AT PAR ES SALAAM**

**MISC. CRIMINAL APPLICATION NO. 75 OF 2021**

(Originating from PI No. 18 of 2020)

**KILIAN CLETUS@KATAMBO .....APPLICANT**

**VERSUS**

**REPUBLIC..... RESPONDENT**

**RULING**

Date of Ruling: 1/7/2021

**MASABO, J.:-**

The Applicant **Kilian Cletus@Katambo** is facing charges of manslaughter in PI Case No. 18/2020 before Temeke District Court. He is alleged to have unlawfully caused the death of one Hamis Jumanne Shumbi contrary to sections 195 and 198 of the Penal Code [Cap 16 RE 2019].

He has filed this application for bail. The application is by a chamber summons made under Section 148(1) of the Criminal Procedure Act (Cap. 20 RE 2019). The application is accompanied by an affidavit of his counsel, one Agatha Fabian, who has stated that the applicant stands charged of manslaughter which is a bailable offence. For the Republic, Ms. Jacqueline Werema, learned State Attorney, did not resist the application. She informed the court that, as the offence of manslaughter is a bailable, his office has found no need to file a counter affidavit or objecting the application.

Ms. Fabian, counsel for the applicant, has submitted that, since the application is not objected, the court should be pleased to admit the applicant on bail on fair conditions.

Having gone through the charge sheet, I am satisfied that the applicant is eligible for bail as the offence of manslaughter to which he stands charged is bailable under section 148 (1) of the Criminal Procedure Act.

Regarding the conditions, section 148 (6) of the Criminal Procedure Act states that, where a court finds that the applicant is eligible for admission on bail, it shall impose two mandatory conditions, namely surrender of his passport or any other travel document, restriction of the movement of the accused to the area of the town, village or other area of his residence. The court may also impose other conditions as it deems fit under the circumstances.

In balancing the applicant's right to bail and the gravity of the offence facing him and given the fact that the respondent is not objecting the grant of the application, I admit the applicant on bail upon fulfillment of the following conditions:

- (i) Executing a bail bond in the sum of Tshs. 2,000,000/=;
- (ii) Furnishing two reliable sureties who will each sign a bond in the sum of Tshs. 2,000,000/=. The sureties must be residents of Dar es Salaam Region with recognized place of abode who must possess a Nation ID or letter of identification from their respective Local authority.
- (iii) The applicant should surrender his passport and any other travel

- documents (if any) to the Resident Magistrate, Temeke District Court.
- (iv) Verification of sureties and bond documents to be executed by the Resident Magistrate, Temeke District Court.
  - (v) The applicant to report to the Regional Crime Officer for Temeke Special Police Region according to the schedule prescribed by him.
  - (vi) The applicant should not leave the jurisdiction of this court without prior permission from Deputy Registrar of the High Court Dar es salaam Zone

It is accordingly ordered.

DATED at DAR ES SALAAM this 1<sup>st</sup> day of July 2021.



**J.L. MASABO**  
**JUDGE**