

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(IN THE DISTRICT REGISTRY OF TANGA)

AT TANGA

CRIMINAL APPLICATION No. 08 OF 2021

(Originating from the District Court of Tanga at Tanga in P.I. No. 03 of 2020)

SALIMU HARUNA ABDALLAH APPLICANT

Versus

THE REPUBLIC RESPONDENT

RULING

09.08.2021 & 09.08.2021

Mtulya F.H., J.:

Mr. Salimu Haruna Abdallah (the Applicant) approached this court on 6th July 2021 and preferred **Misc. Criminal Application No. 8 of 2021** (the Application) praying for bail pending trial of the offence of manslaughter. Today when the Application was scheduled for hearing, he invited Mr. Omar Mambosasa to argue the Application for him. Mr. Mambosasa when invited to this court's floor, he quickly cited section 148 (1) & (3) of the **Criminal Procedure Act** [Cap. 20 R.E 2019] (the Act) and precedent in **Yasin Khalfan v. Republic**, Misc. Criminal application No. 131 of 2020.

The argument registered by Mr. Mambosasa is that the law regulating bail cases allows the Applicant to apply for and be

granted bail and that he has reliable sureties to be able to abide with bail conditions. My reading to section 148 (1) & (3) of the Act shows that any person who is arrested or detained in authority of enforcement machinery may be granted bail by this court pending his trial.

The interpretation of the section recorded in this court in manslaughter cases is well illustrated in the precedent of **Yasin Khalfan v. Republic** (supra). As there is provision of the law in the Act which has already received interpretation of this court, the court cannot be detained in finding another interpretation of the section on the subject. It was fortunate that in this application, the Republic enjoyed legal representation of Ms. Elizabeth Muhangwa who after noting of the law and practice of this court, she supported the application.

Having said so and noting of the law in the precedent of **Yasin Khalfan v. Republic** (supra), this court thinks that there is no need to depart from its previous practice. I have therefore decided to grant bail to the Applicant. However, in order to be released, the Applicant must fulfil the following listed conditions:

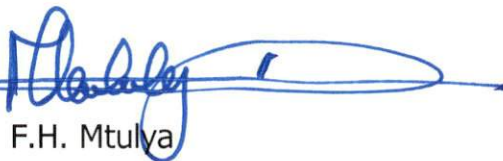
1. The Applicant to sign bail bond to the tune of Tanzanian Shillings Five Million Only (5,000,000/=);
2. The Applicant to register two (2) reliable sureties who are able to execute bail bond amounting to Tanzanian Shillings

Five Million Only (5,000,000/=) each and must be in possession of National Identification Card issued by the National Identification Authority (NIDA);

3. The sureties must be residents of Tanga Region and must verify their stay in Tanga by presenting introduction letters from their respective hamlet or mtaa chairpersons;
4. The Applicant should not leave Tanga Region without prior written permission of the Deputy Registrar of this Registry;
5. The Applicant must report to the Deputy Registrar of this Registry once on every last Monday of every Month;
6. The Applicant must surrender his passport or any other travelling documents to the Deputy Registrar of this Registry; and
7. Bail conditions set out in this Ruling are to be supervised by the Deputy Registrar of this Registry

It is so ordered.




F.H. Mtulya

Judge

09.08.2021

This Ruling is delivered in chambers under the seal of this court in the presence of learned State Attorney Ms. Elizabeth Muhangwa and in the presence of Mr. Omar Mambosasa, learned Counsel for the Applicant.




F.H. Mtulya

Judge

09.08.2021