

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(IN THE DISTRICT REGISTRY OF TANGA)

AT TANGA

Misc. CRIMINAL APPLICATION No. 9 OF 2021

(Arising from the High Court (Tanga District Registry) in Criminal Appeal No. 34 of 2021 originating from Kilindi District Court at Songe in Criminal Case No. 82 of 2020)

CHENGA SAUKO APPLICANT

Versus

THE REPUBLIC RESPONDENT

RULING

09.08.2021 & 09.08.2021

Mtulya F.H., J.:

The applicant, Mr. Chenga Sauko preferred the present application seeking bail pending appeal in this court. The reasons of the application as displayed in chamber application filed by the applicant are two *viz.* first the offence of theft is bailable; and second, bail is a constitutional right.

Today, when the application was called for hearing, the applicant invited legal services of learned counsel Mr. Joseph Matimbwi to argue the application for him whereas the Republic enjoyed legal representation of learned State Attorney Ms. Elizabeth Muhangwa. During the hearing, Ms. Muhangwa supported the application by citing section 368 (1) (a) (i) of the

Criminal procedure Act [Cap. 20 R.E 2019] (the Act) arguing that the provision allows bail in cases like the present one.

On my part, I have read Article 13 (6) (b) of the **Constitution of the United Republic of Tanzania** [Cap. 2 R.E. 2002) and section 368 (1) (a) (i) of the Act and think that the law is very certain in cases like the present one. I, therefore, decided to grant bail to the applicant pending his appeal. However, the applicant should fulfill the following listed bail conditions, namely:

- 1.The applicant must register two (2) reliable sureties;
- 2.The sureties must be citizens of Tanzania in possession of National Identification Card issued by National Identification Authority (NIDA);
- 3.The sureties must register letters of introduction from their respective employers or village or street recognized authorities; and
- 4.These bail conditions shall be supervised by Deputy Registrar of this Registry in accordance to the laws regulating bail in this court.

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 the Applicant Mr. Chenga Sauko and his learned counsel Mr. Joseph Matimbwi and in the presence of learned State Attorney Ms. Elizabeth Muhangwa for the Respondent.




F.H. Mtulya

Judge

09.08.2021