

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

AT DODOMA

MISCELLANEOUS CRIMINAL APPLICATION NO. 51 OF 2021

(Originating from Economic Case No. 04 of 2021 at the District Court of Kodoa)

BAKARI BILALI SOMOSOMO.....APPLICANT

VERSUS

THE REPUBLICRESPONDENT

Date of last Order: 18/08/2021

Date of Ruling: 19/08/2021

RULING

KAGOMBA, J

This is an application for bail by BAKARI BILALI SOMOSOMO who stands charged with one offence of unlawful possession of ammunition contrary to Section 20(1) (a) and (2) of the Firearms and Ammunition Control Act, No. 2 of 2015 read together with paragraph 31 of the first schedule to, and Section 57(1) and 60(2) of the Economic and Organized Crime Control Act Cap 200 R.E 2019 in Economic Case No. 4 of 2021 at the District Court of Kondoaa at Kondoaa.

During the hearing of the application the applicant was represented by Mr. Hamadi, a learned advocate while the Republic was represented by Mr. Amani Kyando, learned State Attorney. Mr. Hamadi submitted to the Court that the offence the Applicant is charged with is bailable. However, since the charge has not indicated the value, it is the High Court which is empowered to grant bail in term of Article 108(2) of the Constitution of the United Republic of Tanzania, 1977.

Mr. Hamadi further submitted that the applicant, as stated in his affidavit which forms part of the application, is a reliable member of society, has not been charged with any criminal offence before and has sureties who are ready to adhere to the conditions to be set by this court upon grant of bail. He prayed for grant of the bail application by the Court.

Mr. Kyando, for the respondent did not object to the application. He however, prayed the court to grant bail with such conditions which will ensure the applicant is available to face the criminal charge filed against him. Rejoining on the issue of conditions for bail, Mr. Hamadi the learned advocate for the applicant prayed that the Court should not set

prohibitive conditions that will be difficult to be met by his client thereby denying him his right to bail.

Having considered the submissions by both parties, it is my view that the applicant has a right to bail since the offence he is charged with is bailable. I accordingly grant the applicant BAKARI BILALI SOMOSOMO bail pending the hearing and final determination of the Economic Case No. 4 of 2021 before the District Court of Kondoa at Kondoa. However, to ensure the applicant continues to be available to face the charge laid against him, the grant of bail is subject to the following conditions;

1. The applicant to have two (2) sureties who are reliable and residents of Dodoma region. Each surety to produce to the Deputy Registrar High Court Dodoma an introduction letter signed by his/her respective Mtaa or Kitongoji Chairman.
2. Each surety to sign a bond worth TZS 5,000,000/= (Tanzania Shillings Five million only) to the Deputy Registrar High Court, Dodoma.
3. The applicant to deposit/surrender his passport or travel document (if any) to the District Court Magistrate Incharge for Kondoa District.

4. The applicant to report to Police Station nearest to his place of residence once monthly.
5. The applicant not to travel outside Dodoma region except with prior written approval of the Deputy Registrar High Court, Dodoma.

It is so ordered.




A. S. KAGOMBA
JUDGE
19/08/2021