

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF DODOMA
AT DODOMA

MISC. CRIMINAL APPLICATION NO. 35 OF 2021

(From Economic Case No. 7/2019 From District Court of Kondoa)

SALUM BAKAR SALUM APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

Date of last order: 16.08. 2021

Date of Ruling: 19.08. 2021

DR. A. J. MAMBI, J.

The Applicant **SALUM BAKAR SALUM** through his chamber summons filed this application to vary some conditions of bail. Earlier on the 13/4/21 the applicant was granted bail by this court in application No.2 of 2021. One of the condition was that the applicant was required to deposit the amount of tshs 7,613,060/- which is the half amount of the total value of the trophy that is tshs.15,226,120/= without other option. He thus submitted that since he is not able deposit cash money, he prayed to present the

document indicating the ownership of an immovable property that has similar value.

The Republic, through the learned State Attorney Ms Magili submitted that the Republic has no objection with this application.

I have considerably gone through the application supported by affidavit and submissions from both parties. It is clear from the records that the applicant was granted bail pending determination of his main case at the Trial Court in Kondo.

I have also perused the ruling of this court and found that the applicant had only one option to pay or deposit the half amount of the value of the trophy. This means that he had no option to present the title deed or any other document indicating similar value of the half amount. It is now the position of the law that where the applicant is not able to pay the money in cash to fulfil the bail conditions, he may present any document from the village government, or any other government authority.

Having considered the application and submission by both parties, I am of considered view that the applicant deserves to present the documents such as title deed, customary Right of occupancy, or any other document from the village government, or any other government authority in lieu of the prescribed amount of money.

It is prudent the accused be immediately granted bail by this court to avoid unnecessary delay of justice.

From the above reason, the court grants bail to the applicant subject to the following conditions:-

- 1) The applicant to have two reliable sureties residing within Kondoia or Dodoma Region. All sureties to present introduction letters from their respective Kitongoji or Mtaa leaders or any government authority in their area of residence to the High Court Registrar.
- 2) The applicant or his sureties shall deposit tshs. **7, 613, 060/=** to the High Court of Dodoma documents indicating ownership of immovable properties equivalent to this amount. If the applicant or his sureties have no such money, they are at liberty to present the documents indicating ownership of an immovable property valued at the equivalent to tshs. **7, 613, 060/=**
- 3) Applicant to report to the office of Nearest Police Station or post nearest to his area of residence within Kondoia District monthly from the date of this order.
- 4) Applicant to surrender his travelling documents if any to the Magistrate in Charge For Kondoia District Court
- 5) The applicant shall seek permission from the Registrar of the High Court of Dodoma or Magistrate in Charge For Kondoia District Court if he needs to travel outside Kondo and Dodoma Region.



DR. A.J. MAMBI
JUDGE
19.08. 2021

Ruling delivered in Chambers this 19th day of August , 2021
in presence of both parties.



DR. A.J. MAMBI
JUDGE
19.08. 2021