

IN THE HIGH COURT OF TANZANIA

(IN THE DISTRICT REGISTRY)

AT MWANZA

MISC. CRIMINAL APPLICATION NO. 35 OF 2021

In the matter for an Application for

BAIL PENDING TRIAL

and

In the matter of Criminal Sessions Case No. 58 of 2021

In the District Court of Geita at Geita

PETRO s/o KIMAZI.....APPLICANT

VERSUS

THE REPUBLIC-----RESPONDENT

RULING

Last Order date: 26.08.2021

Ruling Date: 08.09.2021

M. MNYUKWA, J.

The applicant Petro s/o Kimazi has indicted before the District Court of Geita in Criminal Sessions Case No. 58 of 2021 for Manslaughter contrary to section 195 and 198 of the Penal Code (Cap 16 R.E 2019). By way of Chamber summons supported by an affidavit sworn by Petro s/o Kimanzi, he moved this court to grant bail pending the final hearing and determination of the Criminal Sessions Case No. 58 of 2021 against him.

In his affidavit the applicant stated that the offence in which he is charged with is bailable, that he had reliable sureties to stand for terms of bail, he will be readily available when his case will be coming for mention or hearing, he is the bread winner of the family and that if he will be admitted to bail he is capable of meeting bail conditions. The Republic did not opt to file counter affidavit because they did not contest the application.

The application was argued orally through audio teleconference. The applicant appeared in person, unrepresented while the respondent was represented by Ms. Sabina Choghoghwe, learned state attorney.

In his submission the applicant prayed this court to grant him bail because the offence is bailable and due to the outbreak of corona pandemic disease it was not safe to stay in remand.

Responding, the learned counsel for the respondent averred that the available record shows that the accused was committed by the district court of Geita for the offence of manslaughter on 21/05/2021. She went on to state that, since the accused had been committed for trial to this court, the court had jurisdiction to hear and determine the application for bail pending trial. She therefore invited this court to grant bail to the applicant subject to the conditions which will ensure easy availability of the applicant to appear before the court for trial.

After considering the submissions of both parties, the uncontested application for bail pending hearing and determination of the case against the applicant Petro s/o Kimanzi is hereby granted under section 148(1) of the Criminal Procedure Act, Cap 20 [R.E 2019] since the offence is bailable. The applicant shall be admitted to bail on the following conditions and terms:-

1. Applicant should have two reliable sureties, citizens of the United Republic of Tanzania and residents of the local jurisdiction of the court who shall sign a bond of Tsh 10,000,000/= or submit a proof of immovable property with the same value.
2. The applicant's sureties must produce National Identity Card vetted for approval by the Resident Magistrate Incharge of Geita Resident Magistrate Court.
3. Sureties must have introduction letter from their respective Ward Executive Officer or Employer.
4. The applicant shall surrender his passport and other travel documents if any, to the Mwanza Regional Central Police Station for safe custody pending the trial or disposal of the case against him.
5. The applicant shall report once in every month to the office of the Resident Magistrate Incharge of Geita starting from the end of October 2021 until his case is finally heard and determined

6. The applicant shall appear before the court on the dates and times as shall be scheduled by either the Deputy Registrar or the Court as the case may be.
7. The applicant shall not travel outside of the local jurisdiction of the court without prior permission by the Resident Magistrate Incharge of Geita.
8. The Resident Magistrate Incharge of Geita shall ensure that the bail conditions and terms thereof are complied with and maintained accordingly even after the applicant's admission to bail pending the timely disposal or trial of the case against the applicant.

It is so ordered.




M.MYUKWA
JUDGE
08/09/2021

Ruling delivered on 08th day of September, 2021 via audio teleconference whereby all parties were remotely present.


M.MYUKWA
JUDGE
08/09/2021