

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

**MISC. CRIMINAL APPLICATION NO. 56 OF 2021**

*(From Criminal Case PI No. 8/2020 From District Court of Singida )*

**SAUMU D/O JUMA ..... APPLICANT**

**VERSUS**

**THE REPUBLIC ..... RESPONDENT**

**RULING**

*Date of last order:* 02.09. 2021

*Date of Ruling:* 10.09. 2021

**Dr. A. J. Mambi, J.**

The Applicant **SAUMU D/O JUMA** through her chamber summons filed this application for bail to the applicant pending trial of the main case No.8/2020 at the District Court of Singida. Earlier the applicant filed her application on 20/08/2021. The matter was scheduled for hearing on 02/09/2021 but it was adjourned until 10/09/2020. During hearing, the applicant appeared under the service of Mr Zeohania while the respondent was represented by Mr.

Salum, the learned State Attorney. The applicant in her affidavit admits to be charged with an offence of infanticide c/s 199 of the Penal Code Cap 16 [R.E.2019]. The charge sheet reveals that the applicant was charged for an offence of infanticide.

The Republic, through the learned State Attorney submitted that the Republic has no objection so long as the applicant is given conditions if the court decides to grant her bail. The Applicant counsel prayed to adopt the affidavit and the applicant be given reasonable conditions of bail.

I have considerably gone through the application supported by affidavit and submissions from both parties. It is clear from the records that the applicant is seeking bail pending determination of his main case. I have also perused the facts for charge in which the applicant stands charged. Before this court decides to determine this application there are certain issues or questions that need to be addressed and answered. In my considered view, the key issue is whether the circumstance of the case warrants this court to grant the bail or not. If the answer is in affirmative, the court will consider any the conditions that the applicant needs to meet before such bail is granted.

The records show that the offence against which the applicant stands charged is under the list of bailable offences under the law. In other words, the offence originates from an infanticide case that is bailable. It is indisputable fact that the main purpose of granting bail to the accused has always been to let her be free for a while


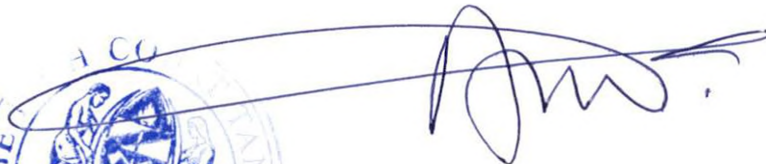
pending his trial as long as his guilt has not yet been established beyond reasonable doubts. However, this purpose is subject to a number of limitations before the court grants such bail. I have considerably gone through the records and facts from prosecution and found that the circumstance of the case warrants this court to grant bail. I am of the considered view that the applicant deserves bail at the court. It is prudent the accused be immediately granted bail by this court pending his trial to avoid unnecessary delay of justice.

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 Singida, 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 sign bond of 3,000,000/ each.
- 3) Applicant to report to the office of Nearest Police Station or post nearest to his area of residence within Singida District monthly from the date of this order.
- 4) Applicant to surrender her travelling documents if any to the Magistrate in Charge For Singida District Court

- 5) The applicant shall seek permission from the Registrar of the High Court of Dodoma or Magistrate in Charge For Singida District Court if he needs to travel outside Singida and Dodoma Region.





**DR. A.J. MAMBI**

**JUDGE**

**10.09. 2021**

Ruling delivered in Chambers this 10<sup>th</sup> day of September, 2021 in presence of both parties.



**DR. A.J. MAMBI**

**JUDGE**

**10.09. 2021**