

**IN THE HIGH COURT OF TANZANIA**  
**(DODOMA DISTRICT REGISTRY)**  
**AT DODOMA**

**MISC. CRIMINAL APPLICATION NO. 41 OF 2021**

(Originating from Dodoma District Court at Dodoma PI No. 21 of 2019)

**EX. J. 953 PC CHRISTOPHER**

**CHARLES KIONE@KULWA.....APPLICANT**

**VERSUS**

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

*1/10/2021 & 4/10/2021*

**RULING**

**MASAJU, J**

The Applicant, Ex. J. 953 PC Christopher Charles Kione @Kulwa, has been indicted before the Court in Criminal Sessions Case No. 17 of 2021 for ATTEMPTED MURDER contrary to Section 211 (a) of the Penal Code, [Cap 16 RE 2019]. He applies to the Court to be admitted to bail pending the trial and disposal of the said Criminal Sessions Case. His Chamber Summons Application is made under Section 148 (1) of the Criminal Procedure Act, [Cap 20 RE 2019] supported by the Affidavit sworn by himself.

The Affidavit is about the background and the reasons for the Application essentially in the paragraphs 4, 5, and 7 on the eligibility for admission to bail in the bailable offence, commitment to enter appearance in the Court without default and availability of reliable persons who own immovable and movable property thereby qualifying for being his sureties in the event the Application is granted accordingly.

When the Application was heard before the Court today the 4<sup>th</sup> day of October, 2021 at about 11:00 hours, the layman Applicant appeared in person and adopted his Chamber Summons Application and the Affidavit thereof to form submissions in support of his Application. He prayed the Court to grant the Application accordingly.

The Respondent Republic, in the service of the learned State Attorney, Ms. Rachel Tulli, so rightly did not contest the Application.

Since the Applicant has been charged with a bailable offence and taking into account the fact that the Application has not been contested by the Republic on any viable ground, the Application is hereby granted accordingly under Section 148 (1) of the Criminal Procedure Act, [Cap 20 RE 2021].


Section 148 (2) of the Criminal Procedure Act, [Cap 20 RE 2019] provides that the amount of a bail shall be fixed with due regard to the gravity and other circumstances of the case, but shall not be excessive. The Applicant shall accordingly be admitted to a bail on conditions and terms, thus;

1. That, the Applicant shall have two reliable sureties citizens of the United Republic of Tanzania and residents of the local jurisdiction of the Court who shall each sign a bond of Tanzanian Shillings Five Million (TZS 5,000,000/=) only.
2. That, the Applicant's reliable sureties' identification documents and other pertinent documents, if any, for compliance with bail conditions and terms hereof shall be vetted for approval by the Deputy Registrar.
3. That, the Applicant shall surrender his passport and other travel documents, if any, to Dodoma Regional Central Police station for safe custody, pending the disposal of the criminal Sessions case against him.
4. That, the Deputy Registrar shall ensure that all the prerequisite bail conditions and terms hereof are complied with accordingly prior to releasing the Applicant on bail.
5. That, the Applicant shall all the time whilst on bail pending trial and disposal of the Criminal Sessions case against him, keep and maintain good behavior and peace in the society.
6. That, the Applicant shall not travel outside the local jurisdiction of the Court without prior written permission by the Deputy Registrar.
7. That, the Applicant shall appear before the Court or trial Court on such dates and times as shall be so scheduled by the said Court.
8. That, the Deputy Registrar or the Court, as the case may be, shall ensure that bail conditions and terms hereof are complied with and

maintained accordingly pending the timely disposal of the criminal sessions case against the Applicant.

It is hereby so ordered by the Court this 4<sup>th</sup> day of October, 2021.



  
GEORGE M. MASAJU

**JUDGE**

4/10/2021