

THE UNITED REPUBLIC OF TANZANIA

JUDICIARY

IN THE HIGH COURT OF TANZANIA

MBEYA DISTRICT REGISTRY

AT DODOMA

MISC. CRIMINAL APPLICATION No. 73 OF 2021

(Arising From Criminal Session Original No.47 of 2021)

PETER CHALOAPPLICANT

VERSUS

THE REPUBLICRESPONDENT

RULING

Date of hearing: 19.11.2021

Date of Ruling: 19.11.2021

MAMBI, J.

The Applicant through his chamber summons filed this application for bail to the applicant pending trial of the main case. Earlier the applicant filed his application on 15/11/2021. The matter was

scheduled for hearing on 11/11/2021 but it was adjourned until 19/11/2021.

During hearing, the applicant was represented by Kalonga while the respondent was represented by Mr. Salum, the learned State Attorney. The applicants' Counsel prayed to adopt the applicant affidavit. He submitted that the applicants have been charged with an offence of manslaughter but he states that since such offence is bailable that is why they decided to file for an application for bail.

The Republic, through the learned State Attorney submitted that the Republic has no objection so long as the applicants are given conditions if the court decides to grant them 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 their main case (criminal session to be scheduled by this court at the convenient date). 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 question before this court is that; is the offence under which the applicant is seeking bail bailable? If yes, does the circumstance of the case warrants this court to grant the bail or not? If the answer is in affirmative, are there any conditions that the applicants needs to meet before such bail is granted? If the answer is in negative

what are reasons and grounds that could make this court to refuse this application?

It is clear from the law that the offence of manslaughter against which the applicants stand charged is not under the list of nonbailable offences under the law. This means that the offence of manslaughter is bailable. It is indisputable fact that the main purpose of granting bail to the accused has always been to let him be free for a while pending his trial as long as his guilt has not yet been established beyond reasonable doubts.

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 finds that the circumstance of the case warrants this court to grant bail. I am of considered view that the applicant deserves bail at the court. 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:-

The applicant shall have two reliable sureties residing within Dodoma Region. All sureties to present introduction letters from their respective Kitongoji or Mtaa leaders to the High Court Registrar.

1. The sureties shall sign bond worth 10,000,000/= to the High Court of Mbeya
2. Applicants to report to the office of Nearest Police Station or post within the District of his residence once monthly from the date of this order.
3. Each applicant to surrender his travelling documents or passports if any to the Registrar of the Magistrate in charge for the District Court of Bahi or Registrar of the High Court in Dodoma
4. The applicant shall seek permission from the Magistrate in charge for the District Court of Bahi or the Registrar of the High Court, Dodoma.
5. The applicant shall report once monthly to the nearest Police station with the District of Bahi



**MAMBI
JUDGE
19.11. 2021**

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



**MAMBI
JUDGE
19.11. 2021**

Right of Appeal explained.



A handwritten signature in black ink, appearing to be "MAMBI", written over a horizontal line.

MAMBI
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