

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE SUB-REGISTRY OF MWANZA
AT MWANZA**

MISC. CRIMINAL APPLICATION No. 37 OF 2022

SITTA WANGALILA..... APPLICANT

VERSUS

REPUBLIC..... RESPONDENT

RULING

11/8 & 19/8/2022

ROBERT, J:-

The applicant, Sitta Wangalila, seek to be admitted on bail pending trial in Criminal Sessions Case No. 128 of 2022 before this Court. He was arraigned at the District Court of Kwimba at Ngudu in Criminal case No. 45 of 2022 with one count of offence namely, MAIM contrary to section 222(a) and (b) of the Penal Code, (Cap. 16 R.E. 2019) pending his commitment for trial to the High Court. The applicant was admitted to bail by the Committal Court which was eventually cancelled upon commitment. He is currently held in remand custody at Ngudu Prison waiting to be transferred to Butimba Prison in Mwanza to await his trial.

At the hearing of this application, the applicant was represented by Mr. John Edward, learned counsel whereas the Republic enjoyed the services of Ms. Akyoo, Senior State Attorney.

The application stood unopposed by the Republic which prompted the learned counsel for the applicant to move the Court to grant the prayers sought by the applicant.

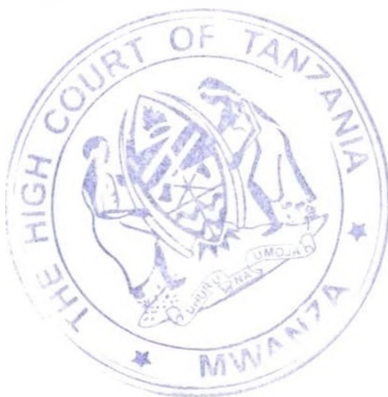
In this application, the Court is moved to grant the prayers sought under the provisions of section 148(1) and (5)(a) of the Criminal Procedure Act which empowers the Court to admit the accused person to bail pending trial subject to fulfilment of the legal requirements.


Having considered that, bail is a constitutional right of the accused person and the applicant is entitled to that right, the applicant is an old man aged 83 years old as indicated in his affidavit, the offence in question is bailable and the applicant undertakes to comply with bail conditions and the Republic does not contest this application which suggests that the applicant is unlikely to interfere with investigation of the offence or commit other offences, this Court finds no cogent reason not to grant this application. I therefore admit the accused person to bail pending trial on the following conditions:

1. The applicant shall not travel outside Mwanza Region without prior approval of the Deputy Registrar of the High court at Mwanza.

2. The applicant should have two reliable sureties with fixed abode within Mwanza Region.
3. Each surety shall execute a bail bond of the sum of TZS 500,000/=
4. Each surety shall produce an introductory letter from his or her employer or local authorities and a copy of a recognized identity card.
5. Each applicant shall surrender his passport or any traveling documents, if any, to the Deputy Registrar.
6. Verification of the sureties, bond documents, and compliance with the bail conditions shall be executed by the Deputy Registrar of the High Court.

It is so ordered.




K.N. ROBERT
JUDGE
19/8/2022