

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

MISCELLANEOUS CRIMINAL APPLICATION NO. 3 OF 2022
(Criminal Session Case No. 38/2022)

VITUS S/O DIONIZ @ SEBASTIAN.....APPLICANT

VERSUS

THE REPUBLIC..... RESPONDENT

RULING

5th July 2022

MKWIZU J:

This is an application for bail pending trial by the applicant above brought under section 148 of the Criminal Procedure Act, (Cap 20 RE 2019). The application is supported by the applicant's affidavit sworn on 23rd May 2022. The application is not resisted by the respondent/Republic.

The hearing was attended by Ms Shani state attorney for the republic/respondent, the applicant, and her advocate, Gloria Lucius Ikanda.

In support of the application, Ms. Ikanda first adopted the applicant's chamber summons and affidavit adding that the applicant has reliable sureties and therefore is ready for bail condition that the court would set for him. On the other hand, the Republic, through the learned State Attorney expressed no objection to the prayer by the applicant except for the request for appropriate conditions by the court to facilitate the attendance of the applicant in court during the trial.

I have given the application a though scrutiny. It is on the records that the applicant is facing aailable charge of manslaughter contrary to sections 195 and 198 of the penal code, (Cap 16 RE 2019) in Criminal session case No 38 of 2022 which is pending trial before the High Court after conclusion of all the preliminary stages of the case by both the subordinate court and this Court.

That being the case and having no expressed threat to the applicant's appearance in court to take his trial in case the bail is granted by the prosecution, then I find no reason why the application should not be granted. The applicant's application is granted on the following bail conditions:

1. The applicant must have two reliable sureties' citizens of the United Republic of Tanzania who shall each sign a bond of Tsh 5,000,000/= or submit proof of ownership of immovable properties of similar value.
2. The sureties must be residents of Shinyanga region with the recognized place of abode with an introduction letter from their local authority together with their valid National Identification Cards.
3. The accused should not leave the jurisdiction of this court without prior permission from the Deputy Registrar Shinyanga.
4. The applicant should surrender his traveling documents (if any)
5. The applicant will report to the office of the Deputy Registrar once a month from 5th August 2022 until the end of the trial.
6. The applicant must attend the trial whenever required, failure of which may result in the cancellation of his bail.

The sureties are to be approved by the Deputy Registrar Shinyanga.

Order accordingly:



DATED at **SHINYANGA** this 5th day of **July 2022**.

E. Y. Mkwizu
E. Y. MKWIZU
JUDGE