

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

**MISC. CRIMINAL APPLICATION No. 28 OF 2022**

*(Originating from Criminal Appeal Case no. 42 of 2022 in the High Court of Tanzania at Dodoma before Honourable Dr. Mambi, J which Arising from decision/order and sentence passed by the District Court of Dodoma at Dodoma in Traffic Case No. 96 of 2022 dated 8<sup>th</sup> June, 2022*

**JUMA MASOUD MNONJI .....APPLICANT**

**VERSUS**

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

**RULING**

*Date of hearing: 16.08.2022*

*Date of Ruling: 17.08.2022*

**Mambi, J.**

The Applicant through his chamber summons filed this application for bail to the applicant pending appeal in DC. Criminal Appeal No. 42 of 2022. Earlier the applicant filed his application on 22/07/2022. The matter was scheduled for mention on 26/07/2022 but it was adjourned until 16/08/2022.

During hearing, the applicant was represented by Mr. Godwin & Ms. Marry while the respondent was represented by Ms. Mkina, the learned State Attorney. The applicant's Counsel prayed to adopt the applicant affidavit. He submitted that the applicant has been charged with an offence of causing death for careless driving c/s 41, 27(1) and 63 (a) (b) of the Road Traffic Act Cap 168, [R.E2002]. He argued 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 applicant is given conditions if the court decides to grant him 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 that is an appeal in this court. 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 applicant 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 causing death for careless driving against which the applicant 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.

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 considered view that the applicant deserves bail at the court. It is prudent the applicant/appellant be immediately granted bail by this court to avoid unnecessary delay of justice.

From the above reason, the court grants bail to the applicant/appellant 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 Dodoma
2. Applicant 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. The applicant to surrender his travelling documents or passports if any to the the Magistrate in charge for the District Court of Dodoma or Registrar of the High Court in Dodoma.

4. The applicant shall not be allowed to travel outside Dodoma Region.
5. Where the applicant intends to travel outside Dodoma Regional for medical reasons or other sufficient reasons he shall seek permission from the Magistrate in charge for the District Court of Dodoma or the Registrar of the High Court, Dodoma.



**A. J. MAMBI**

**JUDGE**

**17/08/2022**

Ruling delivered in Chambers this 17<sup>th</sup> day of August, 2022 in presence of both parties.



**A. J. MAMBI**

**JUDGE**

**17/08/2022**

Right of Appeal explained.

A large, stylized signature in blue ink, likely belonging to A. J. Mambi, is written over the text.

**A. J. MAMBI**

**JUDGE**

**17/08/2022**

