

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

MISCELLANEOUS CRIMINAL APPLICATION NO. 6 OF 2022
(Criminal session Case No. 36/2022)

ANDREA S/O ADAM.....APPLICANT

VERSUS

THE REPUBLIC..... RESPONDENT

RULING

27th June 2022

Mkwizu J:

Applicant, Andrea Adam stands charged with manslaughter contrary to sections 195 and 198 of the Penal Code (Cap 16 R.E 2019). He has through a chamber summons supported by an affidavit filed this application for bail pending trial.

During the hearing, applicant was in person without legal representation while the respondent/Republic had the services of Ms Shani the learned State Attorney. Applicant had nothing substantial to submit understandably so because he is a lay person. He only prayed for bail claiming that he is a family man with dependants including his mother who is 70 years old and that he is will comply to the bail conditions by being available in court for trial.

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 trial.

I have curiously considered the application and parties submissions. There is no doubt that the offence with which the applicant is charged is aailable offence and that bail is a constitutional right of every individual faced with a criminal indictment. The important question therefore at this

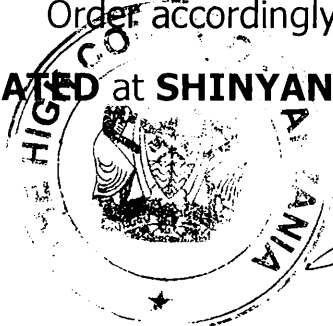
stage is whether the accused, now applicant will appear to take his trial if he is released on bail. As hinted above, the prosecution has detected no threat on the part of the applicant that is why they expressed no objection to the application. This gives the court an assurance of the applicant's naivety in adhering to the bail conditions. Given such a situation, I find the prayer deserving. 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 10,000,000/= or submit proof of ownership of immovable properties of similar value.
2. The sureties must be residents of Shinyanga region with recognized place of abode with introduction letter from their local authority together with their valid National Identification Cards.
3. The accused should not leave jurisdiction of this court without prior permission from the Deputy Registrar Shinyanga.
4. The applicant should surrender his travelling documents (if any)
5. The applicant will report to the office of Deputy Registrar once a month from 27th July 2022 until the end of the trial.
6. The applicant must attend the trial whenever required, failure of which may result to the cancellation of bail.

The sureties to be approved by the Deputy Registrar Shinyanga.

Order accordingly:

DATED at **SHINYANGA** this 27th day of **June 2022**.



E. Y. Mkwizu
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JUDGE
27/06/2022