

IN THE UNITED REPUBLIC OF TANZANIA

JUDICIARY

IN THE HIGH COURT OF TANZANIA

(DISTRICT REGISTRY OF MBEYA)

AT MBEYA

MISC. CRIMINAL APPLICATION NO. 26 OF 2022

(Originating from the High Court of Tanzania at Mbeya in Criminal Sessions

Case No. 36 of 2020)

CHARLES S/O MBWAGA.....1ST APPLICANT

EMMANUEL S/O MAHILO @ MWANIMELE

@ MASIKU S/O MAHILO @ MWANIMELE.....2ND APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

Date of Hearing: 30/05/2022

Date of Ruling : 30/05/2022

MONGELLA, J.

The applicants are seeking for bail pending determination of the main suit whereby they stand charged with manslaughter contrary to section 195 and 198 of the Penal Code, Cap 16 R.E. 2019. The matter is currently



pending in the High Court of Tanzania at Mbeya District Registry in Criminal Sessions Case No. 36 of 2020.

The application was heard orally. The applicants appeared in person while the respondent was represented by Mr. Davis Msanga, learned State Attorney.

At the hearing, the applicants just prayed for this Court to adopt their affidavit in support of their application and to allow the application by granting them bail. On his part, Mr. Msanga supported the application taking into consideration that the offence that the applicants stand charged is bailable under the law. He only prayed for this Court to ensure that all the bail conditions imposed are fulfilled by the applicants.

As presented by Mr. Msanga, the offence that the applicants stand charged is bailable under the law, that is, under **section 148 of the Criminal Procedure Act, Cap 20 R.E. 2019**. Considering that the offence is bailable under the law and the fact that respondent has not raised any concerns to resist the granting of the bail, I hereby grant the bail application upon the following conditions:-

1. Each applicant must have two reliable sureties. Each surety shall sign a bond of Tshs. 10,000,000/- or submit a proof of immovable property with the same value.



2. The applicants must surrender to the High Court Deputy Registrar their passports (if they have) or any other travel document.
3. The applicants shall not travel out of the jurisdiction of the High Court Mbeya District Registry without permission of the High Court Deputy Registrar.
4. The applicants shall report once in every month to the office of the Deputy Registrar starting from the end of next month, that is, June 2022 until their case is finally heard and determined.
5. Sureties must have introduction letters from their respective Ward Executive Officers or Employers.
6. The sureties provided by the applicants must be approved by the High Court Deputy Registrar.

It is further ordered that, the Deputy Registrar must ensure that all bail conditions are implemented accordingly.

Dated at Mbeya on this 30th day of May 2022.


L. M. MONGELLA
JUDGE

Court: Ruling delivered in Mbeya in chambers, on this 30th day of May 2022 in the presence of the applicants appearing in person and Mr. Davis Msanga, learned State Attorney for the respondent.


L. M. MONGELLA
JUDGE

