

THE UNITED REPUBLIC OF TANZANIA

(JUDICIARY)

THE HIGH COURT

(MUSOMA SUB REGISTRY)

AT MUSOMA

Misc. CRIMINAL APPLICATION No. 24 OF 2023

IN THE MATTER OF APPLICATION FOR BAIL PENDING

DETERMINATION OF CRIMINAL SESSIONS CASE No. 7 of 2023

*(Arising from the High Court [Musoma Sub Registry] in Criminal Sessions Case No. 7
of 2023 & the District Court of Bunda at Bunda in P.I No. 4 of 2022)*

MARURU ZABRON APPLICANT

Versus

REPUBLIC RESPONDENT

RULING

25.10.2023 & 27.10.2023

Mtulya, J.:

Mr. Maruru Zabron (the applicant) has approached this court praying for bail pending hearing and determination of the **Criminal Sessions Case No. 7 of 2023** (the case) filed in this court. In the case the applicant is prosecuted for attempt to murder **Mr. Alex Bhoke** contrary to section 211 (a) of the **Penal Code [Cap. 16 R.E. 2022]** (the Penal Code). The applicant is accused to do so at Nyangere Village within Bunda District in Mara Region on 6th August 2022.

The day before yesterday, the applicant appeared in this court in **Misc. Criminal Application No. 24 of 2023** (the application) praying bail pending determination of the case.

During hearing of the application, the applicant had produced two (2) reasons in favor of the application, namely: first, he has previously enjoyed bail without any breach of conditions during committal proceedings at the **District Court of Bunda at Bunda** (the district court) in **Preliminary Inquiry No. 4 of 2022** (the PI); and second, he has reliable sureties to meet bail conditions.

The prayer was not protested by the respondent's learned State Attorney, **Ms. Natujwa Bakari**. In her opinion, bail is constitutional right and may be granted to the applicant. However, Ms. Bakari prayed this court to consider the offence of which the applicant is prosecuted in issuing bail conditions.

The law regulating bail in applications like the present one is enacted under sections 148(1),(6)&(7), and 392A(1)&(2) of the **Criminal Procedure Act** [Cap. 20 R.E. 2022] (the Act). The enactment is part of cherishing article 13(6)(b)&17 of the **Constitution of the United Republic of Tanzania** [Cap. 2 R.E. 2019] (the Constitution). The enactments have received interpretation of this court in the case of **Simon Kiles Samwel @ K & Two Others v. Republic**, Criminal Session Case No. 50 of 2022, and recently in the precedent of this court in **Emmanuel Nguka @ Anditi v. Republic**, Misc. Criminal Application No. 25 of 2023.

This is a court of law and justice and guided by the laws in enactments and precedents. This court will always cherish certainty and predictability of the decisions emanating from this

court. In the end, I am moved by the indicated enactments and precedents of this court to grant the application. However, in order to enjoy the freedom of movement and presumption of innocence, the applicant must fulfill the following listed conditions:

1. The applicant must sign bail bond to the tune of Tanzanian Shillings Three Million Only (3,000,000/=);
2. The applicant must register two (2) reliable sureties who are able to execute bail bond amounting to Tanzanian Shillings One Million Only (1,000,000/=) each and must be in possession of National Identification Card issued by the **National Identification Authority (NIDA)** or if he is employed in government services, he must register work identification card;
3. The sureties must be residents of Mara Region and verify their stay in the region by presenting introduction letters from their respective hamlet or mtaa chairpersons;
4. The applicant should not leave Mara Region without prior written permission of the **Deputy Registrar** of this Sub Registry or **Resident Magistrate In-charge of Bunda District Court at Bunda**;
5. The applicant must report to the **Deputy Registrar** of this Sub Registry or **Resident Magistrate In-charge of Bunda District Court at Bunda**, once on every last Monday of every Month; and

6. The applicant must surrender his passport or any other travelling documents to the **Deputy Registrar** of this Sub Registry or **Resident Magistrate In-charge of Bunda District Court at Bunda.**


The bail conditions set out in this Ruling shall be supervised by the **Deputy Registrar** of this Sub Registry or **Resident Magistrate In-charge of Bunda District Court at Bunda.**

It is so ordered.




F.H. Mtulya
Judge
27.10.2023

This Ruling was delivered in Chambers under the Seal of this court in the presence of the applicant **Mr. Maruru Zabron** and in the presence of learned State Attorney, **Ms. Natujwa Bakari.**


F.H. Mtulya
Judge
27.10.2023