

**IN THE HIGH COURT OF TANZANIA  
AT IRINGA**

**MISC. CRIMINAL APPLICATION NO. 36 OF 2016**

*(Original from Ludewa District Court at Njombe  
PI No. 6 of 2015)*

1. DASTAN MGANI 2. FELIS S/O MGAYA 3. ALAM S/O MGANI	}	..... APPLICANTS
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**VERSUS**

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

**RULING**

**7<sup>TH</sup> DECEMBER, 2016**

**R. K. SAMEJI, J.**

The applicants herein, *to wit*, FELIS MGAYA, DASTANI MGANI and ALAM MGANI have been charged with the offence of Manslaughter contrary to Section 195 and 198 of the Penal Code, [Cap 16 R.E. 2002] in *Criminal Session Case No. 39 of 2016*.

The said applicants have filed this Application seeking for grant of bail pending the trial of the said Criminal case. This Application has

been filed under Section 148 of the Criminal Procedure Act, [Cap 20 R.E. 2002] and duly supported by three affidavits deposed by each and every applicant. It is clear that, the offence of Manslaughter which they were charged with is bailable in law.

In their submissions, the applicants have informed the Court that, they have been in custody waiting for their trial, for almost one (1) year and five (5) months. They have further stated that, if granted bail, they will abide to the terms and conditions of the bail to be issued by the Court. Furthermore, they have all promised to provide reliable sureties as indicated in their Affidavits.

On her side, Ms. Happiness Flavian, the learned State Attorney, who appeared for the respondent/republic had no objection to the Application, but only requested the Court to impose reasonable bail conditions, which will enable the applicants to be available when required by the Court. Ms. Flavian also requested the Court to ensure that, the applicants are providing reliable sureties as indicated in their Affidavits.

In the circumstances and for the foregoing reasons, I see there is no reason and justification for me to refuse this Application. The Application is tenable in law and it is hereby granted on the following conditions:-

- (a) *Each Applicant shall execute a bond of TShs. 2,000,000/= with two reliable sureties in the likesum.*
- (b) *The said two sureties for each of the applicant shall be approved by the Deputy Registrar, High Court Iringa. The said sureties must be residents of Iringa Region.*
- (c) *All Applicants are not allowed to travel outside Iringa High Court Zone during the pendency of the case without a prior written consent from the Deputy Registrar High Court Iringa.*
- (d) *The applicants shall be required to report before the Deputy Registrar, High Court Iringa, once per month or as the Deputy Registrar shall direct till the final decision of the pending case.*

It is so ordered.

R. K. Sameji

**JUDGE**

7/12/2016