

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE HIGH COURT OF TANZANIA
(MTWARA DISTRICT REGISTRY)

AT MTWARA

MISC. CR. APPLICATION NO. 2 OF 2021

(Original Liwale District Court Eco. Case No. 5 of 2020)

CHANDE NASSORO PETYA.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

13 &14 January,2021

DYANSOBERA, J. :

This is bail application preferred by the applicant. The application is supported by the affidavit sworn by the applicant, Chande Nassoro Petya. In resisting the application the respondent has filed a counter affidavit duly sworn by Mr. Gideon Magesa, learned State Attorney.

At the hearing of the application, the applicant appeared in person and the respondent was represented by Mr. Kauli George Makasi, learned

Senior State Attorney. In arguing the application the applicant maintained that he is seeking to be admitted to bail and is ready to abide by bail conditions.

Mr. Makasi, on the other hand, submitted that there is a counter affidavit sworn by Mr. Gideon Magesa and prayed to adopt the same. He asked the Court to take into account the seriousness of the offence the applicant is facing and the impose bail conditions prescribed by law.

There is no doubt that bail is the accused's constitutional right particularly in view of the provisions of Article 13 (6) (b) of the 1977 Constitutional of the United Republic of Tanzania which relates to the doctrine of presumption of innocence.

Besides, it is not disputed that the offence the applicant is facing at the subordinate court is bailable. According to the submission by learned Senior State Attorney, the application for bail has not been seriously resisted.

For those reasons this application is granted and the applicant is admitted to bail on following bail conditions:-

1. The applicant to execute a bail bond of Tshs. 20,000,000/= with two (2) sureties, each in the same amount.
2. The sureties to produce evidence of possessing immovable property situated at Liwale District.
3. The sureties to be reliable and approved by the Deputy Registrar, Mtwara Zone.
4. The Applicant shall surrender to they Police at Liwale his passport or any other travel documents.
5. The applicant's movements are restricted to Liwale District unless a written permission is sought from and granted by the Resident Magistrate in charge of Liwale District Court.

Order accordingly.



A handwritten signature in blue ink, appearing to read "W.P. Dyansobera".

W.P. DYANSOBERA

JUDGE

14.1.2021