

TANZANIA / JUDGMENT

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26 November 2024

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IN THE UNITED REPUBLIC OF TANZANIA JUDICIARY IN THE HIGH COURT OF TANZANIA
MBEYA SUB REGISTRY AT MBEYA MISC. CRIMINAL SESSION CASE NO. 32344 OF 2024 ALEX
BENARD @KAMETA.....APPLICANT VERSUS THE
REPUBLIC.....RESPONDENT

RULING

Date: 26 November 2024 & 26 November 2024 SINDA, J. The applicant is seeking bail pending the determination of this matter, in which he is charged with manslaughter contrary to sections 195 and 198 of the Penal Code, Cap 16 R.E 2022. The matter is currently adjourned until such date when it shall be fixed for hearing/full trial by this Court. The application was heard orally. The applicant appeared in person and unrepresented, while the respondent was represented by Ms. Upendo Lyimo, learned State Attorney. 1 At the hearing, the applicant only prayed for this Court to grant him bail. On his part, Ms. Lyimo supported the application, considering that the offence that the applicant stands charged is bailable under the law, however, subject to the applicant's compliance with the bail conditions to be set by the Court. As presented by the applicant in his affidavit the offence that the applicant stands charged is bailable under the law, that is, under section 148 of the Criminal Procedure Act, Cap 20 R.E 2022 and article 13 (6) of the Constitution of the United Republic of Tanzania as amended. Considering that the offence is bailable under the law and the fact that the respondent has not raised any concerns to resist the granting of bail, I hereby grant the bail application upon the following conditions:

1. The applicant must have two reliable sureties. Each surety shall sign a bond of TZS 10,000,000.00 or submit proof of immovable property with not less than the same value.
2. The applicant must surrender to the High Court Deputy Registrar his passport, if any, or any other travel document.
3. The applicant shall not travel out of the jurisdiction of the High Court Mbeya Sub Registry without written permission of the High Court Deputy Registrar. 2
4. The applicant shall report once every month to the office of the Deputy Registrar starting from the end of this month, that is, November 2024 until his 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 applicant 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 26 day of November 2024. A. A. SINDA JUDGE 3

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CASE PAGE <https://chat.esheria.ai/case-law/tanzania/alex-benard-kameta-v-the-republic-bail-tanzlii-2024>

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