

TINOVAPEYI MAENZANISE

Versus

THE STATE

IN THE HIGH COURT OF ZIMBABWE
CHIWESHE J
BULAWAYO 5 DECEMBER 2003

N Fuzwayo for applicant
Mrs M Moya-Matshanga for the respondent

Bail Application

CHIWESHE J: I dismissed this application for bail pending trial indicating then that my reasons would follow. These are they.

The allegations against the applicant are as follows. On 23 June 2003 between 0100 hours and 0110 hours the applicant teamed up with Charles Lundu also known as Mwene, Edmore Mushonga, Peter Mujuru and one John. They proceeded to number 17 Valeview Road, Riverside and also to number 16 Sunbird Lane in Burnside, Bulawayo. At the said addresses they robbed the complainants of their cars, a Mazda 626 registration number 550-847W and a Mazda 323 registration number 629-046 respectively. They also robbed the complainants of household goods. The applicant and his accomplices took the stolen goods to house number 5241 Unit E Seke, Chitungwiza. This house is owned by one Joram Maenzanise, applicant's brother. The applicant was arrested the next day 24 June 2003 at this house. He had arrived at that house driving the stolen Mazda 626 whose registration number had been changed. Upon his arrest the Mazda 323, whose registration number had also been changed was recovered. Some of the complainant's household goods were also recovered at the same house.

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The applicant applied for bail pending trial. In his application papers he disputes that he had been seen driving the Mazda 626 saying that he had found both cars parked at his brother's house and that he knew nothing about their origins.

The respondents opposed bail on the grounds that the interests of justice would not be served as the applicant was likely to abscond and therefore not stand trial. The applicant if convicted will no doubt face the prospects of a lengthy prison term. That on its own is sufficient inducement for abscondment. There are reasonable prospects of conviction given the facts of this matter.

At the hearing Mr *Fuzwayo* (for the applicant) did not seek to press his client's denial of the allegations. He had by then had the benefit of further instructions and audience with the police details concerned. In the circumstances I take it that his client's involvement is not in serious dispute. If that be so then the evidence against him is such as would make a conviction a reasonable likelihood. The fear on the part of the respondents that applicant may abscond to avoid a lengthy prison term is not far fetched. That being the case it is my view that the interests of justice would be better served by refusing to grant bail.

It was for these reasons that I dismissed the application for bail pending trial.

Calderwood, Bryce Hendrie & Partners applicant's legal practitioners
Attorney-General's Office respondent's legal practitioners