

**THOMAS NAKAPA**

**And**

**CALLMORE DANGWA**

**Versus**

**THE STATE**

IN THE HIGH COURT OF ZIMBABWE  
NDOU J  
BULAWAYO 20 MAY & 19 JUNE 2008

*J Tsvangirai* for the applicants  
*W Nyabadza* for the respondent

Bail Application

**NDOU J:** The applicants are facing a charge of robbery which occurred at Zimbabwe Revenue Authority offices in Gweru. During the robbery, allegedly carried out by the applicants and other two members of the gang, an assortment of property was stolen including a Nissan Hardbody motor vehicle. From the facts, the applicants and members of the gang are alleged to have travelled from Chitungwiza to Gweru to carry out the robbery. The Nissan motor vehicle and some of the property were recovered from their co-accused persons. The latter implicated the applicants. Indeed, the applicants were found with some of the proceeds of the robbery. These stolen items were recovered in Chitungwiza.

One member of the gang pleaded guilty to the robbery and was sentenced to 10 years imprisonment, so the applicants have a picture of the type of sentence they are likely to face in the event of conviction. The offence is serious as they overpowered a security guard who was guarding the premises. They handcuffed him using his own handcuffs, tied him with string on both arms and legs. They covered his face with a woollen hat and threatened him into silence using a knife. The gang members had no fixed abode in Gweru and seemed to have travelled all the way for the sole purpose of the robbery. The offence was committed in aggravating circumstances as they used a dangerous weapon in the commission of the offence. The gravity of the offence and the likely penalty will induce them to abscond. They are organised robbers and the public need to be protected from such marauding and mobile robbers who travel long distances just to carry out their criminal activities –

*Attorney General v Phiri* 1988(2) ZLR 696 (ZH) and *S v Patel* 1970 (3) SA 563. The applicants have not established that they are suitable candidates for bail – *S v Ndhlovu* 2001(2) ZLR 261 (H) and *Chiadzwa v S* 1988 (2) ZLR 19 (S).

Their application for bail is accordingly refused.

*Danzinger & partners (Gweru), applicants' legal practitioners*

*Criminal Division, the Attorney General's Office, respondent's legal practitioners*