

EMMANUEL JUWAKI

And

PROSPER MAPHOSA

Versus

THE STATE

IN THE HIGH COURT OF ZIMBABWE
NDOU J
GWERU 2 AND 25 FEBRUARY 2010

Applicants in person
D Zashura for the respondent

Bail Application

NDOU J: The applicants are jointly charged with armed robbery together with one Tafadzwa Chancellor Tandi. Their co-accused Tandi was granted bail by my sister Judge MAVANGIRA sitting at the High Court, Harare. The state is opposing bail in respect of the applicants. The first applicant faces several other similar offences. That is not the case with the second applicant. The application was made some ten days before the trial date set down in the regional court.

The facts are that the applicants and their accomplice went to the complainant residence and claimed to be police detectives. They were armed with a pistol. The complainant demanded that they identify themselves. They became violent and produced the pistol and force-marched him into the house demanding gold. They ransacked the house and robbed him and his employee three (3) cell phones, a digital scale and ZAR221 000,00 cash.

There is a likelihood that the applicants will abscond and not stand their trial. Further, there is a likelihood that they will commit similar offences as they have already shown a propensity to do so.

The second applicant was found in possession of the stolen cell phone. Both applicants were identified by the complainant. They are not suitable candidates for bail and they are accordingly refused bail.