

TAKAFA VUMBUNU

Versus

THE STATE

IN THE HIGH COURT OF ZIMBABWE

NDOU J

BULAWAYO 7 AND 17 FEBRUARY 2011

S Chamunorwa, for applicant

T. Hove, for the respondent

Bail Application

NDOU J: The applicant seeks bail pending his trial before a Regional Magistrate. This application was made after the trial date had been set. The bail is opposed on the sole ground of likelihood of abscondment. The brief facts of the case are the following. On 25 October 2010 the complainant parked her Mazda 323 between 2nd and 3rd Avenue Bulawayo. The vehicle was well secure. The vehicle was stolen. A few days later, i.e. on 11 November 2010 it is alleged that the applicant was found by police officers driving the stolen vehicle now fitted with false number plates. He was at Barbourfields car park. The police asked for the applicant's driver's licence. The applicant failed to produce one. The applicant was informed that he was under arrest for driving without a driver's licence.

The applicant pretended as if he was answering a call on his mobile phone and suddenly ran away leaving behind the vehicle and keys. The applicant was arrested a few days later. He was positively identified by witnesses at an identification parade.

The applicant has shown a propensity to abscond. He has absconded from police custody and he is in my view, not a suitable candidate for bail.

Accordingly, the application fails and the applicant is refused bail pending trial.

Calderwood, Bryce Hendrie & partners, applicant's legal practitioners

Criminal Division, Attorney General's office, respondent's legal practitioners