

GIFT GAMBIZA
versus
THE STATE

HIGH COURT OF ZIMBABWE
BHUNU J
HARARE 18th June 2010 and 8 July 2010

Ms Murambatsvina, for the applicant.
Mr. Mapfuwa, for the respondent.

Bail Application

BHUNU J: The applicant is in remand prison on allegations of murder. Acting in consort and common purpose with three others he is alleged to have assaulted and murdered the deceased accusing him of having stolen his money. The offence was committed in 2007.

All along the applicant has been a fugitive from justice. He has been on the police wanted list after the magistrate issued a warrant of arrest. He was only arrested on 23 April 2004 after he had been arrested for armed robbery. There is no substance in the accused's submission that he did not know that the police were looking for him. Common sense dictates that if one assaults someone so severely as to cause his death he cannot be heard to say that he did not know that the police were looking for him.

The State's fears that if granted bail he is likely to abscond are therefore well founded. The facts also tend to disclose that the applicant has a propensity of committing violent crimes. The possibility that if granted bail he is likely to commit similar offences cannot be excluded.

For the foregoing reasons I consider that the applicant is not a good candidate for bail. Granting him bail is likely to compromise the due administration of justice.

It is accordingly ordered that the application for bail pending trial be and is hereby dismissed.

I. Murambatsvina, legal practitioners, applicant's legal practitioners.
The Attorney General's office, respondent's legal practitioners.