

TAPERA CHIZANGA
versus
THE STATE

HIGH COURT OF ZIMBABWE
MAXWELL J
HARARE, 2 September, 2022 and 15 February 2023

BAIL APPLICATION

Mutseyekwa, for the applicant
Mutimusakwa, for the respondent

MAXWELL J

This application was dismissed on the date of hearing. A request has been made for reasons for the dismissal. These are they.

Applicant is facing a single count of contravening section 65 (1) of the Criminal Law Codification and Reform Act [*Chapter 9:23*]. The allegations are that in March 2019 the applicant raped his 16 year old biological daughter. The complainant reported the matter to her uncle who took her to the police and filed a report.

Applicant alleges that the allegations are a fabrication emanating from animosity between him, complainant, complainant's mother and his in-laws as complainant was sired outside wedlock. He further alleges that at the material time he was not in the area where the offence was allegedly committed.

It was submitted for the respondent that applicant is a flight risk as he could not be located soon after the offence was reported until he was carded on the wanted persons list. Members of the public tipped off the police in 2022 leading to applicant's arrest. Further that

there is a likelihood of interference with the state witnesses. It was also submitted for the respondent that Applicant is facing serious allegations which upon conviction will attract a lengthy custodial sentence. At the time the bail application was heard, Applicant had been given a trial date.

I was persuaded that there is a likelihood that applicant would interfere with state witnesses. Considering the relationship between Applicant and the complainant, the justice of the case required that Applicant awaits the pending trial whilst in custody. There was also the possibility of Applicant not standing trial. *Mr Mutimusakwa* made an unrefuted submission that applicant fled from the area after committing the offence. *Mr Mutseyekwa's* response was to submit that though the parties are father and daughter, they never stayed together.

For the above reasons, I dismissed the application for bail pending trial.

Chatsama and Partners, applicant's Legal Practitioners
National Prosecuting Authority, respondent's Legal Practitioners