

STEPHEN MOYO

And

PETER MANANDA CHIHOMVU

Versus

THE STATE

IN THE HIGH COURT OF ZIMBABWE
NDOU J
BULAWAYO 17 & 20 DECEMBER 2012

L Mcijo for applicants
W. Mabhaudi for respondent

Bail Application

NDOU J: The applicants are jointly charged with theft of motor vehicle. The vehicle was allegedly stolen in Palape, Botswana. It was imported to Zimbabwe via Plumtree border post by the 1st applicant. The registration particulars of the vehicle had been altered into the 1st applicant's names. The state opposed bail only in respect of the 1st applicant. The 2nd applicant was granted bail. The circumstances are materially different between the two applicants. 1st applicant is a foreigner i.e. a Botswana citizen whereas the 2nd applicant is a local citizen and a resident of Bulawayo. Besides being in the vehicle there is no other role that the 2nd applicant is alleged to have played in the possession of the vehicle. The 1st applicant, as alluded to above, had the vehicle registered in his name. He imported the vehicle into Zimbabwe. The applicants were therefore justifiably treated differently. The 2nd applicant has already been granted bail.

The 1st applicant is a foreigner. He is facing a serious charge of theft of motor vehicle. The vehicle was brought into Zimbabwe. Such cross-border alleged offenders are difficult to track once granted bail and they abscond.

I am satisfied that the 1st applicant is not a good candidate for bail. Accordingly, I refuse his application for bail.

Mcijo, Dube & Partners, applicants' legal practitioners
Criminal Division, Attorney General's Office respondent's legal practitioners