

OWEN CHRIS NGWENYA
versus
THE STATE

HIGH COURT OF ZIMBABWE
MAXWELL J
HARARE, 2 & 28 September 2022

Bail Application

Kalira, for the applicant
Ngoma, 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 charge of raping his employee. Applicant is alleged to have raped the complainant who was employed as a housemaid. After the rape the complainant sent a text message to her mother and reported to the police. Applicant was arrested. He indicated that he was employed by the Ministry of Health and Child Care as a Male Circumcision Mobilizer at Nyadire Mission Hospital, Mutoko. He was placed on remand and on 26 August, 2022, an application for bail was filed on his behalf.

The application was opposed. The investigating officer deposed to an affidavit in which he indicated that applicant is of no fixed abode and is not employed by the Ministry of Health and Child Care as he alleged. He also indicated that applicant was likely to interfere with witnesses as he tried to pay the parents of the complainant so that they do not report the matter to the police. He concluded that applicant is a flight risk.

I was persuaded that applicant is a flight risk. Despite the indication that he is not employed by the Ministry of Health and Child Care, there was no explanation of why he had made the misrepresentation. A dishonest litigant cannot expect to gain the sympathy of the court. Moreover his attempt to prevent the reporting of the crime militates against him and is indicative of a desire not to face the consequences of his actions.

For the above reasons the application was dismissed.

Mudimu Law Chambers, applicant's legal practitioners.

National Prosecuting Authority, respondent's legal practitioners.