

MARUFU VHIMBA
and
KASIYA KOLOLO
and
REMEMBER MABVIDZI
versus
THE STATE

HIGH COURT OF ZIMBABWE
MUZENDA J
MUTARE, 14 July 2022 and 25 July 2022

IN CHAMBERS

BAIL APPLICATION

MUZENDA J: On 8 July 2022 at Total Service Station Rusape, Manicaland, all three applicants were found by detectives being in possession of a dead pangolin in contravention of s 45 (1)(b) of Parks and Wild Life Act, [*Chapter 20:14*]. S read with SI 70 of 2020. The applicants were using a silver Toyota Baby Quantum belonging to second applicant. All three applicants were lured by police detectives who posed as potential buyers. The pangolin was stashed in 10kg polythene bag behind the driver's seat. Cellphone number 0777 925 402 belonging to first applicant was used to communicate with the potential buyers and all three applicants negotiated the buying price.

The state is opposing the application for bail pending trial. Chief among the reasons for opposing bail is that applicants are likely to abscond since the charge they are facing is a very serious one.

First and second applicants are both police details stationed at ZRP Inyati and third applicant is unemployed. On the date in question first and second applicants were travelling to Rusape when they availed transport to commuters going to Rusape among those 3 men including third applicant boarded the car. As they got to Rusape one of the 3 passengers disembarked leaving the man with a bag who later requested to be dropped at Chicken Inn and third applicant was to disembark at Vhengere bus terminus. Upon approaching Chicken Inn applicants were flagged to stop and they did. The passenger sitting at the back fled the scene leaving the three applicants at the scene as well as the polythene bag containing a pangolin.

When I got the application for bail I sought an explanation about the used cellphone numbers. Applicants added that a passenger who later fled used his handset which that person used to contact police details about the selling of the pangolin. This information was not anywhere in the original papers.

All three applicants deny knowledge about the pangolin. They did not comment about the allegation by the state that all three applicants jointly negotiated the purchase price when police details arrived at the scene. None of the applicants explains how the passenger at the back managed to flee before the car stopped or how the bag was found just behind the driver's seat.

Indeed all three applicants are presumed innocent but the negotiation of the price of the pangolin presumes and consolidates the strength of the state case on possession or dealing in this matter. I agree that the state case is strong against all the three applicants and if released on bail the applicants are likely to abscond taking into account the nature of sentence in the event of conviction. I am equally satisfied that the state has established compelling reasons to justify detention of all three applicants until their matter is tried.

The application for bail is dismissed.

Mupindu Legal practitioners, applicants' legal practitioners
National Prosecuting Authority, State's legal practitioners