

TINASHE NYAKAMHANDA  
versus  
THE STATE

HIGH COURT OF ZIMBABWE  
MATHONSI J  
HARARE, 18 December 2013

### **Bail Application**

*V. Mudzonga*, for the applicant  
*D.H. Chesa*, for the respondent

MATHONSI J: The applicant is 22 years old and faces 3 counts of robbery in contravention of s 126 of the Criminal Law Code [*Cap 9:23*], it being alleged that on 22 September 2013, 15 October 2013 and 18 October 2013 himself and 3 others robbed the complainants of their motor vehicles using the same *modus operandi*. They allegedly hired the complainants to transport them to destinations before robbing them on the way.

The applicant was implicated by a co-accused, one Michael Ziiri leading to his eventual arrest while he was driving a commuter omnibus. He has now made a bail application in which he states that the charges against him were trumped up by the police because he had misbehaved in front of plain clothed police officers.

The state is opposed to bail on the grounds that one of the applicant's co-accused, Danmore is still at large and if granted bail the applicant may commit further offences; the charges faced by the applicant are serious and if convicted he is likely to be sentenced to lengthy imprisonment, a factor which may act as an incentive for abscondement.

I am not persuaded that the applicant is a good candidate for bail. He is young and appears to have no family responsibilities as would tie him down. In addition, he faces serious charges on allegations suggesting that he belongs to a syndicate of robbers preying on innocent citizens. Having been implicated by a co-accused, who even led the police on a successful search for him, there appears to be a strong case against him.

The totality of the circumstances point to a high risk of abscondement as well as a possibility of the commission of more crimes. For these reasons, the application for bail is dismissed.

*Messrs Ngarava Moyo & Chikono.* applicant's legal practitioners  
*Attorney General's Office,* respondent's legal practitioners