

JOHN MABHUNU
versus
THE STATE

HIGH COURT OF ZIMBABWE
BHUNU J
HARARE, 13 March 2015 and 7 April 2015

Bail Application

Applicant in person
DH Chesa, for the State

BHUNU J: The applicant is charged with murder as defined in s 47 of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*]. The offence was allegedly committed in the course of a robbery. The applicant acting in consort and common purpose with others is alleged to have attacked and stabbed the deceased to death along New Tafara - Zimre Park Dusty Road before robbing him of various items.

He now applies for bail which is strenuously opposed on the grounds that the offence is serious as it carries the death penalty. The state has strong evidence and his trial is imminent. His fingerprints are alleged to have been found on the deceased's motor vehicle. He is alleged to have made indications which led to the recovery of the deceased's stolen spare wheel, car battery and the murder weapon being an Okapi knife. His finger prints matched those uplifted from the deceased's motor vehicle he was driving when he was robbed and murdered. The applicant was arrested whilst wearing the deceased's shoes. Although he claims to have bought the shoes from his co-accused, that evidence undoubtedly links him to the commission of the offence.

The State has further submitted that the applicant is not a good candidate for bail because he has a propensity for committing violent crimes. He has pending cases at court including:

- (a) Attempted murder and robbery – Hatfield CR 116/06/14 and CID Homicide 21/06/14
- (b) Murder – Kadoma Central CR 12/03/08 and CID Kadoma DR 03/03/08
- (c) Robbery – Kadoma Rural CR 32/09//14 and CID Kadoma DR 19/09/14

The current offence was allegedly committed while the applicant and his accomplices were on bail granted by this court on a charge of robbery. Since then he has been on the run in a bid to evade the long arm of the law in order to compromise the due administration of justice. By trying to evade the ends of justice the applicant has amply demonstrated that he cannot be trusted to avail himself for trial if he is granted bail. There is overwhelming evidence on a charge carrying the dreaded death penalty which is likely to induce the applicant to flee from justice.

The totality of the evidence before this court portrays the applicant as an incorrigible blood thirsty serial murderer who will not hesitate to kill for the purpose of gain. It appears he deliberately engages in organised crime to go out hunting for victims to rob and murder at will. The applicant clearly constitutes a danger to society and the due administration of justice.

This court has a duty to protect innocent members of the public and the due administration of justice thus the court will be failing in its duty if it were to grant a person of the applicant's calibre bail.

It is accordingly ordered that the application for bail pending trial be and is hereby dismissed.

The Prosecutor General's Office, the respondent's legal practitioner