

SHOKO LOVEMORE
versus
THE STATE

HIGH COURT OF ZIMBABWE
BHUNU J
HARARE, 5 March 2015 and 10 April 2015

Bail Application Pending Trial

Applicant in person
D H. Chesa, for the State

BHUNU J: This is an application for bail pending trial on a charge of murder. The applicant is alleged to have perpetrated a brutal murder on his wife. Following a domestic dispute he allegedly stabbed his wife to death eleven times in a fit of rage. Thereafter he attempted to commit suicide by stabbing himself four times. He was however rescued and taken to hospital where his life was saved.

The State has opposed bail on the basis that there is a strong case against the applicant which might induce him to abscond. The State has also alleged that the applicant is a gold panner. He will be difficult to locate if he decides to abscond because he is a wanderer who lives a nomadic life moving from place to place in search of gold.

The applicant has two children aged eleven and seven years. He has given his residential address as 4100 Zvishavane Township. It appears the applicant had a stable family life before the alleged murder of his wife. He now remains as a single parent with the responsibility of fending for the two minor children of the marriage.

It is trite that wherever the welfare of children is concerned the courts will lean in favour of their welfare. Undoubtedly the children have been traumatised by the tragic death of their mother. The court will therefore hesitate to inflict further suffering on the children by depriving them of the care of their only remaining parent.

Although murder is always a serious offence the circumstances surrounding the alleged murder at hand point to the existence of extenuating circumstances. It appears arguable that the offence was committed under extreme provocation. The applicant has to

some extent atoned for the crime by inflicting severe injury on himself which in itself may be taken as a sign of contrition. The offence appears to have been committed on the spur of the moment without premeditation. His case should be distinguished from those who premeditate and deliberately kill others in the course of committing other crimes such as rape and robbery. The applicant is not a common criminal who might endanger society if released on bail.

Apart from mere speculation and conjecture there is nothing concrete to suggest that the applicant is a flight risk. In the absence of any concrete evidence suggesting that granting the applicant bail may compromise the ends of justice I am inclined to grant the applicant bail. It is accordingly ordered that the applicant be and is hereby granted bail on the following conditions:

1. That the applicant deposits the amount of US\$50.00 with the Clerk of Court Chinhoyi.
2. That he resides at 4100 Zvishavane Township until the matter is finalised.
3. That he reports at Banket police station once every last Friday of the month between the hours of 6am and 6 pm until the matter is finalised.
4. That he shall not interfere with any State witnesses.

The Prosecutor General's Office, respondent's legal practitioners