

THABO NDABEZINHLE NCUBE

Versus

THE STATE

IN THE HIGH COURT OF ZIMBABWE
NDOU J
BULAWAYO 29 SEPTEMBER 2011

R. Mahachi for applicant
Miss N. Ndlovu for respondent

Bail Application

NDOU J: The applicant is facing a charge of murder. On 31 March 2011 applicant was admitted to bail pending trial under case number HCB 73/11. The applicant, who is a student, followed the bail conditions religiously, so to speak. The applicant has now been indicted for trial which is scheduled to commence on 18 October 2011. The consequence of such indictment is that he is now in custody. Applicant now seeks bail pending the trial. The application is opposed. The only new circumstance in this case is that a trial date has now been set. Prior this the applicant observed the bail conditions in an exemplary fashion. In *S v Chiadzwa* 1998 (2) ZLR 19 (S) it was held that the mere fact that a trial date has been set is not good enough justification to deny an accused bail. There must be other reasons which, when coupled with a trial date, would compel the court to refuse bail. There are no such other reasons *in casu*, beside the provision of the trial date. As alluded to above, the applicant observed all bail conditions imposed in the initial bail granted to him.

Accordingly, I find that the applicant is a suitable candidate for bail and I grant him bail pending trial in the following terms:

It is hereby ordered that:

1. The applicant be and is hereby re-admitted to bail.
2. The applicant shall pay US\$50,00 as recognizance to be paid to the Assistant Registrar, High Court, Bulawayo.
3. The applicant shall report twice a week on Mondays and Fridays at Donnington Police Station between 0600 hours and 1800 hours until the finalization of the matter.
4. The applicant shall continue to reside at number 4 Poplar Lane, Newton West, Bulawayo until the finalization of the matter.

5. The applicant shall not interfere with state witnesses.

Messrs T. Hara & Partners, applicant's legal practitioners

Criminal Division, Attorney General's Office, respondent's legal practitioners