

LEONARD KARINDI
versus
THE STATE

HIGH COURT OF ZIMBABWE
NDEWERE J
HARARE, 18 February 2020 & 16 March 2020

Bail Ruling

In person, for the applicant
T. M Havazvidi, for the respondent

NDEWERE J: The applicant was charged with theft of motor vehicle in that on 12 November 2019 at around 1500 hours, the accused, together with Brave Mukwekwezeke and three accomplices connived it steal the complainant's motor vehicle, a Toyota Hiace, Registration No. AES 0240, Engine number SL 514 6038; Chasis number LH 1726102020. The complainant and his conductor had passengers who were going to Kuwadzana Extension. The accused and his accomplices indicated that they wanted to hire the complainant to take them the Murehwa. They said they wanted to proceed through Waterfalls where they wanted to refusal the motor vehicles. The complainant agreed to be hired and dropped his passengers in Kuwadzana Extention. They then picked the accused and one accomplice at Kuwadzana 7 turn off. They drove to High Glen Shopping Centre and picked Brave Mukwekwezeke who had been contacted by the accused person. They went to Supersands Shopping Centre, Waterfalls and met two other accomplices. One of the accomplices said he wanted to refuel at some garage he was acquainted with. He took charge of the motor vehicle, leaving the accused and his conductor behind. Later, accused and accomplices left unnoticed by the complainant through a shebeen they had entered sensibly for some drinks. The complainant and his conductor were left stranded. They reported the theft at Waterfalls Police Station.

The accused and his accomplices abandoned the motor vehicle at a car wash in in A Mary's Chitungwiza, on 13 November 2019. They removed the car battery and sold it.

On 14 November 2019, the complainant saw Brave Mukwekwezeke in Kuwadzana and took him to the Police Station. On 29 December 2019, the accused was arrested.

He appeared in court and was placed on remand. The State opposed bail because State counsel noted that the applicant was facing a similar offence, using the same *modus operandi*, in CRB 18244/19. State counsel argued that this other case showed that if the applicant was granted bail, he was likely to commit similar offences, using the same method. State counsel further said this other matter distinguished the applicant's case from that of Brave Mukwekwezeke who was facing just one case of theft of motor vehicle. Further reasons were that the charge was serious and would attract a custodial sentence upon conviction. The State feared that the likelihood of a long custodial sentence was likely to induce the applicant to abscond and avoid standing trial.

In addition to the reasons proffered by the State for opposing bail, the court noted that the applicant is not employed and he has no residential property of his own. He said he lives with his parents. His other accomplices had not yet been apprehended. If released on bail, he may team up with them and commit similar offences; as well as interfere with investigations.

I found the reasons above, of likelihood to commit similar offences and likelihood to abscond; taken cumulatively; to be compelling reasons to deny the applicant bail at this stage. Bail is therefore denied.

National Prosecuting Authority, respondent's legal practitioners