

THE STATE
versus
ROBERT CHIGUMBA

HIGH COURT OF ZIMBABWE
ZHOU J
HARARE, 15 December 2016

Bail Application

Applicant in person
M Manhamo, for the State

ZHOU J: This is a second application by the applicant seeking admission to bail pending trial. The first application was dismissed by this court and reasons were given.

A second application can, therefore, only be made based on changed circumstances. The main matter the trial – has been concluded and is awaiting judgment. The first application was also made after the matter had been postponed for judgment. The applicant states that he intends to pay compensation to the relatives of the two deceased in accordance with traditional beliefs. That was the same argument that was submitted in the earlier application and was rejected by this court. The further submission that the applicant is the breadwinner and intends to work for his family does not constitute a changed circumstance as that fact that always been in existence.

This is a matter in which the applicant is facing 2 counts of murder which were committed in one day. The applicant admitted to committing the offence. The offence is a serious one which inevitably will attract a very serious penalty. The applicant is aware of that fact. His assurances that he will not abscond cannot be believed by this court. In fact, his submission regarding the matter shows either lack of seriousness or a failure to appreciate the seriousness of the charge itself.

All in all, the present application for admission to bail is without merit.

It is accordingly dismissed.

National Prosecuting Authority, State legal practitioner