

GEORGE MUNYARADZAI MACHANYANGWA  
versus  
STATE

HIGH COURT OF ZIMBABWE  
NDEWERE J  
HARARE, 13 February & 10 May 2019

**Bail ruling**

*J. Gusha*, for the applicant  
*Y. Gurira*, for the respondent

NDEWERE J: The applicant was charged with four counts of robbery jointly with 2 accomplices, Crispin Matiyenga and Phillip Mutasa on 5 November, 2018, 17 December 2018, 22 December 2018 and 13 January 2019. The State opposed bail. It said the applicant was a flight risk as he stayed in rented accommodation. It also said he was likely to interfere with investigations if released and he was likely to commit similar offences.

The Investigating Officer was called to clarify the applicant's role in the commission of the offences. The investigating officer's evidence was that the applicant was the one who was hiring the motor vehicles which were used during the robberies and he was the driver of the get away vehicles. In addition, the applicant and his accomplice led to the recovery of a Chubb safe which was positively identified by the complainant in count 4 from a stream in Chitungwiza. He said the applicant is also the one who implicated his co-accused and led to their arrest.

The Investigating Officer said the applicant participated in the robbery in Count 4 and was involved in dumping the Chubb safe in a stream in Chitungwiza, where he led the police in the recovery of the safe. In Count 3, he was present when the gang went to Chisipite to dispose of the gold robbed from Ruwa. The gold was not recovered. This was in addition to hiring the motor vehicles and driving them in the other counts.

During cross-examination, the investigating officer revealed that the applicant had committed similar offences in Karoi, Bulawayo, Kadoma, Bindura, Shurugwi and Mt Darwin, and said if granted bail, he was likely to commit similar offences. The defence failed to shake

the investigating officer during cross-examination. If anything the more questions which were put to him, the more the applicant's involvement was revealed.

The investigating officer's evidence put the applicant on the scene of the crimes. This supported the State's contention that the evidence against the applicant was overwhelming and the likely sentence was a lengthy custodial sentence which would induce the applicant to abscond.

From the investigating officer's evidence, it is clear that there are compelling reasons to deny the applicant bail pending trial. The evidence from the investigating officer points to the applicant being the ring leader of the gang as he appeared very involved in the commission of the robberies compared to his accomplices. The applicant is therefore denied bail pending trial.

*Bothwell Ndlovu Attorneys at Law*, applicant's legal practitioners  
*National Prosecuting Authority*, respondent's legal practitioners