SMELLY DUBE
versus
THE STATE

HIGH COURT OF ZIMBABWE
CHITAPI J
HARARE, 18 March and 23 March & 1 April 2021

Appeal against refusal by Magistrate to grant the applicant bail in terms of section 121 (1) (b) of the Criminal Procedure & Evidence Act, [*Chapter 9:07*]

L Uriri with *J Chirambwe* for the appellant
F. I Nyahunzvi with *T Mapfuwa*, for the respondent

CHITAPI J: At the outset of the hearing of this appeal on 18 March 2021, counsel for the respondent, Mr *Nyahunzvi*, who had not yet filed the respondent's response raised the issue of the jurisdiction of this court to deal with the matter since the judgment appealed against pertained to proceedings held at Gweru Magistrates Court. Mr *Nyahunzvi* submitted that the appeal should have been noted at High Court Bulawayo station because that is where Gweru Magistrates Court matters which arise for the High Court determination should be channelled. The appellant in this case was denied bail by the magistrate sitting at Gweru on 12 March 2021. She then filed an appeal against the denial of bail to this court on 16 March 2021. Mr *Nyahunzvi*'s objection was founded on these facts.

The respondent counsel Mr *Uriri* countered the submissions by referring to s 23 of the High Court, [*Chapter 7:06*] which provides as follows-

> "**23 Original Criminal jurisdiction**
> Subject to this Act and any other law, the High Court shall have full original criminal jurisdictions over all persons and over all matters in Zimbabwe."

Mr *Uriri* argued that Mr *Nyahunzvi*'s point *in limine* was not merited because Mr *Nyahunzvi* did not point to any provision in the High Court Act or to any other law which limits the original jurisdiction of the High Court over all matters in Zimbabwe. Mr *Nyahunzvi* submitted that he too was not aware of any law which qualifies the jurisdiction of the High

Court as envisaged in s 23 as aforesaid. He however pointed out that some judges of this court raised issue with litigants if they brought a matter to the High Court, Harare instead of a nearer High Court to the subordinate court whose proceedings are brought before the High Court.

Section 171 (1) (a) of the constitution provides that the High Court has original jurisdiction over all civil and criminal matters throughout Zimbabwe. The High Court will not have jurisdiction over any matter which in terms of the Constitution is reserved for decision by the Constitutional Court only. The High Court also exercises appellate jurisdiction over proceedings of subordinate courts. Such jurisdiction is not original but is exercisable as may be provided for by statute that gives the court the appellate jurisdiction. In relation to appeals against the denial of bail by a magistrate whether such appeal is filed by the Prosecutor General or by the accused person., s 121 (2) (b) provides that the appeal

"shall be made to a judge of the High Court"

There is no provision that qualifies that the appeal must be made to the nearest High Court from the magistrates' court where decision is taken on appeal.

Mr *Nyahunzvi* did not to his credit persist in the objection to jurisdiction. It must be noted that in the advancement of the cause to make justice accessible to the people, there has since been added two High Court houses or stations being Masvingo and Mutare to bring the number of High Court stations to four taking into account Harare and Bulawayo. There is however no law presently which demarcates territorial boundaries of jurisdiction for each High Court station. If therefore leaves the litigant with a choice to seek access to justice from whichever of the four High Court stations he or she finds convenient for him or her. A lot of factors may influence the choice of court, including, but no limited to factors such as minimising costs where counsel of choice practices from near the chosen court house, location of witnesses and others. Therefore, once the Registrar had accepted the bail appeal *in casu*, it became a pending matter to be dealt with by the judge unless for some other reason, other than the choice of court, the judge determines that the matter is not suited for hearing by the court. The point *in limine* having failed, the appeal was heard on the merits.

The brief background to this appeal is that the appellant appeared before the magistrate at Gweru magistrates court on allegations that she committed three counts of fraud as defined in s 136 (1) (b) of the Criminal Law (Codifications and Reform) Act [*Chapter 9:23*]. In the alternative it was alleged that the appellant committed a crime referred to as "conspiracy to criminal abuse of duty by a public officer as defined in s 189 (1) (a) as read with s 174 (1) (a)

of the same Act. The appellant challenged the application for her remand on the basis that the allegations made against her did not constitute an offence. She also challenged the remand as a nullity in that her arrest was done unconstitutionally thus rendering the remand process, a nullity. The magistrate dismissed the challenge aforesaid.

The alleged facts on which the remand was granted were as follows-

Count One

The appellant was alleged to have in 2005 colluded with the then housing officer in the Ministry of Local Government one Matilda Manhambo to get an allocation of 669 residential stands in Woodlands Park Gweru for servicing and sale. It was alleged that the allocation was preceded by an application made by the appellant to the by Provincial Governor, the late Cephas Msipa. Matilda Manhambo was alleged to have acted without authority in allocating the stands to the appellant. It was alleged that the appellant did not sign any memorandum of agreement with the Ministry concerned to evidence the allocation. It was further alleged that the appellant serviced the stands and sold them to the public at US$3.50 *per* square metre whilst representing herself as the owner of the land yet she was not as she had not entered a written agreement for the land allocation between her and Ministry. Further it was alleged that the appellant serviced and sold the land before she had obtained an Environment Impact Assessment Certificate as required by law.

Lastly it was alleged that the appellant's company proceeded to develop the area without approved engineering designs. It was additionally alleged that the purchasers of the stands suffered potential prejudice of USD$468 300.00.

Count Two

The allegations in count two were almost similar to those in count 1 in terms of the *modus operandi*. In this count the appellant was alleged to have colluded with the former Governor and Resident Minister for Midlands Province, Jaison Max Kokerayi Machaya and the former District Administrator for Gweru, Shepherd Marweyi to allocate 1000 stands at Mabula A Farm, Zvishavane to the appellant in 2012. It was alleged that the appellant was allocated the stands by letter dated 22 March 2021 which letter was co-signed by the said Governor and Resident Minister and the District Administrator. The land in question was under the jurisdiction of the Ministry of Lands and Rural Resettlement. The land could only be allocated by the Governor and Resident and the District Administrator if it had been under the jurisdiction of the Ministry of Local Government. In such a situation the land would have had

to be first transferred to the Local Government Ministry for urban development which it was not. The Ministry of Lands did not authorize the alienation of the land.

The appellant allegedly never signed any agreement with the Minister of Local Government nor did she pay any instance value for the piece of land. The appellant acting through her company River Valley Properties, then sold 1000 stands to the public for the sum of USD$10.00 to USD$15 *per* square metre. It was alleged that the appellant knew that she did not have any agreement for the alienation of the stands from the relevant Ministry of Lands and Rural Resettlement and therefore misrepresented to the stand purchasers that she legally owned the land. The buyers of the stands were said to have suffered a potential prejudice of USD$6 000 000.00.

Count 3

The facts in this count and *modus operandi* are on all fours with the facts in count 2, save that the allegedly fraud pertained to 500 stands in Magakoosla Shurugwi. The stands were alleged allocated to the appellant by letter dated 10 April 2013 signed as in count 2 by the Governor and Resident Minister Jaison Kokerayi Machaya and the District Administrator for Gweru, Shepherd Marwei who were both public officers. Again it was alleged that the allocation was unprocedural because the stand did not fall within the jurisdiction of the Ministry of Local Government which would have entitled the Governor and Resident Minister and the District Administrator to allocate the stands, but fell within the jurisdiction of Ministry of Lands and Rural Resettlement which neither allocated the stands to the applicant nor transferred them to the Ministry of Local Government. The appellant through her company River Valley Properties is said to have developed the stands before selling them for prices ranging between USD$9.00, USD$15.00 *per* square metre. It was alleged that the appellant sold the stands to members of the public well knowing that she did not have any agreement with the responsible Ministry of Lands as aforesaid. It was lastly alleged that the persons to whom the stands were sold suffered a potential prejudice of USD3 000 000.00.

The applicant applied for bail pending trial. The application was dismissed by the magistrate. The decision of the magistrate cannot be lawfully interfered with unless the appellant shows that the magistrate misdirected himself in some material way in fact, law or both or committed an irregularity in the determination of the bail application. This principle of law is trite. See *S* v *Ruturu* 2003 (1) ZLR 275 (H), *Chimaichimwe* v *S* SC 255/12. The

magistrate in his judgment denied the appellant bail on two grounds, namely that the appellant was likely to abscond and further to interfere with witnesses and evidence.

MISDIRECTION BY THE COURT *A QUO*

(i) The court *a quo* misdirected itself in fact and at law in finding that there was no basis for the appellant to be granted bail when there were no compelling reasons justifying the appellant's detention.

(ii) The learned magistrate misdirected himself in adopting a wrong approach in determining the application that was before him particularly in that he based his denial on the fact that appellant was facing a serious offence and therefore likely to abscond without considering the appellant's peremptory right to bail enshrined in s 50 (1) (d) of the Constitution.

(iii) The learned magistrate misdirected himself in denying the appellant bail on the premise of her facing a serious offence when in fact the seriousness of an offence standing alone cannot grounds the denial of bail. In doing that, he detracted from the true position of the law regarding bail applications.

(iv) The court *a quo* misdirected itself in arriving at a conclusion that there was likelihood of interference and risk to abscondment when there was evidential basis for arriving at that conclusion. That decision by the court *a quo* was arrived at on speculative grounds and not findings of fact.

(v) The learned magistrate misdirected himself in arriving at the conclusion that appellant was likely to conceal evidence or tamper with evidence without allowing fair resort to the provisions of s 50 and 51 of the Criminal Procedure and Evidence Act [*Chapter 9:07*] which provides for procedural relief where documents are to be seized from an accused person. That decision was furthermore, arrived at on mere speculation.

(vi) The court *a quo* misdirected itself in drawing negative inferences from appellant's issue of a lost passport when that could not ground bail denial. In arriving at that conclusion, the learned magistrate shifted the onus to the appellant of proving compelling reasons in bail proceedings when at law, there exists no reverse onus in bail proceedings. It is for the state to prove compelling reasons.

(vii) The court *a quo* misdirected itself in arriving at a decision that s 171 of the Criminal Procedure and Evidence Act [*Chapter 9:07*] is constitutional and in that regard

reasoned outside the parameters of the law thereby arriving at a wrong decision. That finding, and anything premised on it, is wrong and could not be cured.

A quick rundown of the grounds of appeal shows that the first ground of appeal is vague and embarrassing. It is not clear and concise. It is a ground which begs the question in what way or manner did the magistrate misdirect himself in fact and law. The ground is too generalized.

The second and third grounds of appeal are in fact the same, because the appellants' attack on the magistrate's judgment in both grounds is that he misdirected himself in basing the denial of bail on the seriousness of the offences which the appellant was charged with. I will revert to the grounds of appeal in due course. Before doing so, it is necessary to interrogate the details of the grounds for denial of bail relied upon by the magistrate. The magistrate properly noted that given the nature of the charges the respondent bore the onus on a balance of probabilities to establish the existence compelling reasons for the court to deny the appellant bail. The magistrate also dealt with the issue of the constitutionality of s 117 of the Criminal Procedure & Evidence Act, [*Chapter 9:07*] which sets out grounds for denying bail if established, the argument being that the only ground upon which bail may be refused was where it is shown that compelling reasons are established to deny bail. Reliance for the argument was placed on s 50 (1) (d) of the constitution and the decision of the court by MATHONSI J (as then he was) in the case of *S* v *Munsaka* 2016 (1) ALR 427 (H) wherein the learned judge stated that the only ground for denial of bail was the existence of compelling reasons to deny the applicant bail. The magistrate reasoned that the decision on the constitutionality of s 117 aforesaid was not confirmed by the Supreme Court. As such until so confirmed, the decision was not binding.

My understanding of the *Mansaka* decision is that the learned judge was not called upon to determine the constitutionally of s 117 of the Criminal Procedure & Evidence Act. The learned judge held that the erstwhile position where the accused bore the onus to show on a balance of probabilities why it was in the interests of justice that the accused should be released on bail was no longer applicable because, bail had become a constitutional right by virtue of the provisions of s 50 (1) (d) of the Constitution. The learned judge held that the effect of s 50 (1) (d) was to shift the onus of proof on the State to establish why an arrested person should not be admitted to bail. If the State failed to show the compelling reason, then bail had to be granted as a matter of right. I do not read s 117 as being inconsistent with s 50 (1) (d) of the

constitution. The section provides for the right or entitlement of every person who is in custody in respect of an offence to be released on bail unless the court considers that the interests of justice will best be served by the accused's continued detention. The fact that the section provides for grounds which if established justify the denial of bail does not render the section unconstitutional. Section 115 C as noted by the magistrate relates to compelling reasons to deny the accused bail. It provides that the grounds in s 117 (2) must be considered as constituting compelling reasons to deny bail. The learned judge in the *Munsaka* case did not deal with s 115 C which was enacted by the Criminal Procedure & Evidence Amendment Act number 2 of 2016. The Amendment Act came into operation on 10 June, 2016 after the *Munsaka* decision was already delivered on 25 February, 2016. The decision must therefore be read in the context of the impact of the Amendment Act aforesaid.

A further point to note is that the charges against the appellant are not Third Schedule offences which are considered to be very serious offences compared to other schedule offences. In terms of s 115 C (2) (a) (i), the prosecutor is saddled with the burden of showing on a balance of probabilities that there are compelling reasons to justify the continued detention an accused person. The magistrate was properly directed to cast the onus on the prosecution to establish compelling reasons to justify the continued detention of the appellant. The crisp issue for determination in this appeal must then be whether or not the decision by the court that compelling reasons had been established by the prosecution to justify the denial of bail to the appellant can be sustained. It must follow in my view that the protracted arguments on the constitutionality of s 117 are really not the issue. The relevant argument should have been whether or not compelling reasons were established by the prosecution for the magistrate to deny the appellant bail.

The magistrate was alive to the provisions of s 117 (3) (6) of the Criminal Procedure and Evidence Act. The section lists the factors which, where applicable must be taken into account where the ground to deny bail is alleged by the prosecution to be that there is a likelihood that if released on bail the accused

"will not stand his or her trial or will commit an offence referred to in the First Schedule."

There was no suggestion that if released on bail there was a likelihood that the appellant would commit a First Schedule offence. Therefore, the only consideration relative to this aspect was the likelihood of not standing trial or abscond.

In the fourth ground of appeal, the appellant averred that the magistrate was misdirected to find that there was an evidential basis to arrive at the decision that there was a risk of abscondment and interference with witnesses when there were no proved facts to justify the finding. I regard to abscondment, it is important to quote the findings of the magistrate. He stated as follows on p 51 of the appeal record.

> "Did the State manage to prove on a balance of probabilities that there are compelling reasons for applicant's continued detention on the basis that there is a real likelihood of abscondment if applicant is admitted to bail?
>
> In *casu* there exists some facts which militate against abscondment on the part of the applicant. The applicant has ties to the place of trial in that she is a citizen and resident of Zimbabwe. She is gainfully employed as Chief Executive Officer of River Valley Properties (Pvt) Ltd which is undertaking five property developments in Zimbabwe. She owns a multi-million-dollar mansion in Gweru. Moreover, her family is in Zimbabwe and she is a person of fixed abode.
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> The applicant's previous conduct also militates against abscondment on the part of the applicant. She travelled to Zimbabwe at the time the police were looking for her over these allegations. When she was in Zimbabwe she advised the police that she was attending a funeral in Marondera and agreed to meet the police on 3 March 2021.
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> The investigating officer's assertion that they had to engage investigating skills to locate and arrest applicant at Claybank Hospital and receiving information that she was admitted at hospital is false. This is because exhibit 2 produced by consent clearly shows that a letter was written to the police on 3 March 2021 and was received by the police the same day stating that she was admitted at the said hospital. The applicant's assertion that she advised the police of her whereabouts resulting in her arrest is credible and true in the circumstances. This militates against abscondment on the part of applicant."

It is clear from the quoted findings of the magistrate that the appellant was determined to be a person who had not at any stage attempted to abscond despite being aware of the allegations against him. It was the magistrates finding that the appellant was rooted to the place of trial as a citizen of Zimbabwe whose family was in Zimbabwe and that she has business interests and a multi-million dollar worth mansion in Gweru where she stayed. The magistrate found that the appellant had not attempted to evade police but had notified the police of her whereabouts being firstly at a funeral in Marondera and then being admitted in hospital. The magistrate found the appellant to have been truthful and honest about her whereabouts. The magistrate determined that the investigating had lied about encountering difficulties of apprehending the appellant.

The learned magistrate despite the findings that militated against abscondment nonetheless went on to find that the appellant would likely abscond. The question arising then is to interrogate the further compelling reasons which made the likelihood of abscondment a

proven ground to deny the appellant bail. The magistrate adverted to the seriousness of the offence. He stated that:

> "Be that as it may, the applicant is facing serious allegations which attract maximum imprisonment of 35 years and 25 years imprisonment respectively though the accused is presumed innocent until proven guilty, the case for the prosecution is strong against her in that there exists evidence that the company was unproceduraly allocated state land. There exists a database of purchasers as well as their affidavits and agreement of sale that they bought stands from the company. Though exhibits 3 – 6 are correspondence relating to river valley properties that does not exempt the applicant from prosecution for the offence in her personal capacity…."

The magistrate then adverted to the provisions of ss 385 (3) and 277 (5) of the Criminal Procedure and Evidence Act in an endeavour to show that the appellant could be charged for the offences in her personal capacity even though it was the company which was the juristic persona that dealt with the public officers who allocated the land and also dealt with purchasers of the stands.

The magistrate as submitted by Mr *Uriri* got it all wrong because s 385 (3) referred to by the magistrate does not provide for the joint liability of the company and its directors. The section provides for the appointment or citation of any person including a director to represent a company in criminal proceedings. The liability of a director or other officer of a company in personal capacities for actions of the company are located in the Companies Act. I have noted that s 277 (5) of the Criminal Procedure and Evidence Act, as quoted by the magistrate is a misquote because the section deals with the offence of willfully certifying documents to be correct when they are not correct. The learned magistrate then made a finding that police were in the process of preparing a docket against the company to co-charge it with the appellant. Such a finding was speculative and in the absence of evidence that the company had been charged and of such fact being placed before the court, the magistrate was misdirected to take the speculative allegation into consideration.

Mr *Uriri* argued that the finding that the State had a strong case against the appellant was not supported on the allegations before the court. The issue whether or not the state case is strong depends on the circumstance of each case. On the allegations in this matter, what is revealed is that in each of the three counts, an application for stands allocation was made to the Governor and Resident Minister by the appellant on behalf of River Valley Properties (Pvt) Ltd. An allocation letter was generated by a public official. River Valley Properties then developed the stands and sold them to individuals. The case therefore revolves around the legality of the allocation of the stands as between the relevant Ministry which challenges the

allocation and the appellant and River Valley Properties. In such circumstances, it would be wrong in my view to hold that the case is so clear cut that a conviction is the only likely result to be retained by the court at trial. I therefore agreed with appellant's counsel that the finding by the magistrate that the risk of abscondment was well founded and substantiated was not supportable upon a consideration of the allegations and other evidence brought before the court.

It is trite that the seriousness of the offence unless supported by other factors is not a ground to deny an accused person bail. This factor alone does not constitute a compelling reason to deny the accused bail. In *casu* the allegations against the appellant as accepted by the magistrate were known to her before her arrest and she remained in Zimbabwe. There was no suggestion made that the allegations had changed in their nature and magnitude. There was therefore nothing new regarding the allegations except the arrest of the appellants which was not resisted. It must also be recorded that the strength of the State case as a factor in bail applications must be considered with restraint. This is so because there is a risk of making adverse findings against the accused on the basis of allegations as opposed to tested evidence at trial. There may be cases which aptly qualify to be described State case as cases of a thief caught red handed or where there are confirmed confessions of the commission of the offence by the accused. In such cases it is easy to pronounce that the evidence is *prima facie* strong. In cases such as the one *in casu* where the criminal abuse of office is not alleged to have been admitted by the public officers concerned and the appellant, it is difficult to hold that the State case is sufficiently strong enough to act as an incentive for the appellant to abscond.

Mr *Nyahunzvi* for the respondent understandably so was not able to reconcile the magistrates finding of factors which initiated against abscondment and making a turn around to hold that abscondment would arise from the seriousness of the offence and strong state evidence. In my view the magistrate exercised the discretion to deny the appellant bail on the grounds of abscondment based on a reasoning which could not reasonably be supported. The finding of the likehood of the appellant to abscond was not upon a consideration of all factors, proper to consider where the ground relied upon established.

The other ground on which bail was refused was the finding by the magistrate that there was a real likelihood of the appellant interfering with witnesses or evidence if granted bail. The appellant attacked the magistrates finding and also averred that documents required could be seized by warrant issued for that purpose if the argument was that the appellant could interfere with documentary evidence still to be recovered. The magistrate correctly referred to the

provisions of section 117 (3) (c) of the Criminal Procedure and Evidence on factors which the court considers in determining whether there is a likelihood that the accused person will "attempt to influence or intimidate witnesses or to conceal evidence" as the ground is described in s 117 (2) (a) (iii) of the Criminal procedure and Evidence Act.

It must be observed that the requirement is for the state to establish that there is likelihood that the accused "will" not "may" conduct himself or herself as alleged. The approach of the court is to consider this ground as strong if there is evidence that the accused has already attempted to interfere with witnesses or evidence. The magistrate noted that the appellant had not attempted to interfere with witnesses or evidence. He however reasoned that police needed time to interview witnesses who are subordinates of the appellant and could be interfered with. The magistrate also found it reasonable that the investigating officer did not give the witness names as this would interfere with investigations. The magistrate also reasoned that there was documentary evidence at the appellant is workplace which police required to recover and that she could interfere with such recovery. This was a speculative finding because on the remand from 242 on p 32 of the record details of evidence linking the applicant to the commission of the offence, all documents which police recovered as evidence are listed. There was no basis for the magistrate to speculate that further documents needed to be recovered other than what police listed especially so since the investigating officer did not detail the documents to be further recovered. It was made clear by the Supreme Court in the case of *S* v *Hussey* 1991 (2) ZLR 187 (S) that bald assertions that the accused is likely to interfere with witnesses are not sufficient. The assertions need to be grounded upon cogent reasons to hold that the likelihood of interference exists.

A bald assertion that witnesses are subordinates of the appellant and that for that reason there is a likehood that the appellant will interfere with them is in my view not sufficient. There must be other reasons for the likehood to be inferred. If the fact of boss and subordinate is sued as the criteria to infer the likehood of interference with witnesses, then accused persons in positions of authority over subordinates would not be released on bail in cases where the subordinates are the witness. Further in this regard, the magistrate's attention was not drawn to the provisions of s 118 (3) of the Criminal Procedure and Evidence Act. It is provided therein that where bail may be granted, a bail recognizance may be accompanied by listed conditions as follows-

> "(3) …
> (a) the surrender of by the accused of his passport; or

(b) the times and place at which, and the persons to whom the accused shall personally present himself or
(c) the places where the accused is forbidden to go
(d) the prohibition against communication by the accused with witnesses for the prosecution or
(e) any other matter relating to the accused's conduct."

The magistrate did not therefore consider that the law empowered him to place conditions which could ensure non-interference with state witnesses or evidence. It is not intended by the law on bail that a person on bail should lead the life of a convicted person by being denied his or her livelihood. This is why the imposition of restrictive conditions is provided.

The last point which needs to be dealt with is ground of appeal number (vi) wherein the appellant avers that the magistrate misdirected himself by drawing a negative inference of abscondment from the fact that the appellant alleged that she lost her passport. The magistrate in dealing with the issue of the lost passport reasoned that the fact that the appellant did not report to the police that she had lost her passport meant that she intended to use it to escape the jurisdiction of the court. The magistrate then stated that notwithstanding the lost passport, the real issue was the seriousness of the offence. The magistrate did not base his decision to deny bail on the adverse finding arising from the lost passport. The ground of appeal was therefore not related to the grounds on which bail was refused.

In conclusion, having dealt with the misdirections committed by the magistrate, I must determine whether the misdirections aside, the Stat established compelling reasons to justify the denial of the appellant admission to bail. I think not. The magistrate made positive findings of fact which clearly demonstrate the absence of a likelihood that the appellant is likely to abscond if granted bail. The mere seriousness of the offence was not sufficient ground to deny bail. In relation to fears of interference with witnesses and evidence, the reasons given for such a finding were speculative. The magistrate did not also relate to the impact of imposing conditions to allay fears of inference. In my view, bail ought not to have been granted in this case. Resultantly, the following order shall issue-

1. The appeal against the decision of the magistrate sitting at Gweru in case No GWP 343/21 given on 12 March, 2021 to deny the appellant bail is set aside and in its place, the following order is made.
2. The accused is admitted to bail pending trial on the following conditions:

(a) The accused shall deposit $100 000.00 with the Clerk of Court, Magistrates Court, Gweru.

(b) The accused shall reside at 351 Samson Road, Kopje Gweru until the matter is finalized.

(c) The accused shall not for 7 days from the date of her release on bail, set foot at the business premises of River Valley properties (Pvt) Ltd unless the investigating officer has granted her clearance to do so.

(d) The accused shall not interfere with evidence, witnesses and investigations.

(e) The accused shall report every week on Fridays between 6:00 a.m. and 6:00 p.m. at Gweru Central Police Station.

Lawman Law Chambers, appellant's legal practitioners
National Prosecuting Authority, respondent's legal practitioners