CRIMINAL MISC NO. HAM 119 OF 2022

HC Criminal Case No: HAC 241 of 2021

BETWEEN   :   SIVANIOLO VUNAKECE

AND   :   STATE

Counsel   :   Mr T Varinava for the Applicant

                       Ms M Konrote for the State
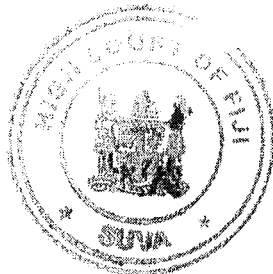
Date of Hearing :   1 July 2022

Date of Ruling   :   1 July 2022

RULING

[1]   The applicant is charged with the murder of his de-facto partner. He seeks bail pending trial.

[2]   The State objects to the granting of bail on the grounds set out in the affidavit of the investigating officer.

[3]   The applicant is presumed to be innocent. However, he is charged with a domestic violence offence. The presumption in favour of the granting of bail is displaced. Further, he allegedly committed the murder after he was released on bail for causing grievous harm to his partner and the court had issued a DVRO against him.

[4]   The prosecution case is based on eye witnesses' accounts of ferocious physical violence allegedly inflicted on the victim by the applicant. The witnesses are the

couple's neighbours. By the time the police arrived at the scene the victim was lying unconscious in a pool of blood. The victim allegedly succumbed to her injuries at the hospital.

[5]   The applicant resides at an informal settlement. He worked as a mini van driver before he was remanded in custody. He does not have strong family or community ties.

[6]   The primary consideration is whether the applicant is likely to turn up for his trial. The prosecution case based on the eye witnesses' accounts of the alleged incident is potentially strong. If convicted of murder, he is facing mandatory life imprisonment. Further, he has an appalling list of previous convictions involving use of violence. Not only he is unlikely to appear for his trial, granting bail to him would endanger the public interest or make the protection of the community more difficult.

[7]   Bail refused.

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Hon. Mr Justice Daniel Goundar

Solicitors:
Office of the Director of Public Prosecutions for the State
Legal Aid Commission for the Applicant