

JUDICIARY
HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CRIMINAL DIVISION
Homicide Cause No. 130 of 2018

RICHARD RAFAEL

v

THE REPUBLIC

ORDER FOR RELEASE OF A PERSON ON BAIL

(Justice Kamanga, 20th June 2018)

UPON reading the applicant's summons for bail and the documents filed in support of the summons;

CONSIDERING that the applicant has been on remand detention since 22nd October 2017, which is a period of almost 8 months, pending commencement of his trial, and

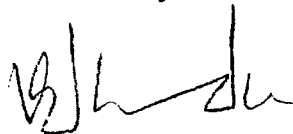
NOTING that there is no objection from the State to this motion

This court being satisfied that in light of the law that there are no valid reasons for not granting bail in the circumstances obtaining herein, this court is of the opinion that the interests of justice favour the release of the applicant from detention on bail under the following conditions:

1. That the applicant be personally bonded to the court in the sum of K30,000.00 **CASH**;
2. That the applicant should secure two sureties, one being a blood or marital relation, who should be bonded to the court in the sums of K100,000.00 **NOT CASH** each,
 - a. That the suitability of the said sureties will be examined by the Registrar of this court;

3. That after his release the applicant should report to the Officer in Charge of the nearest police station of his home within 7 days of being discharged then thereafter every fortnight. The applicant must inform the court and the respondent of the name of the police station where he has reported for bail within 14 days of his reporting;
4. That the applicant should surrender to the Officer in Charge of the said nearest police station mentioned in paragraph 3 any travel documents that he may have in his custody;
5. That the applicant should not leave the district where he will be reporting for bail or the jurisdiction without informing the Officer in Charge of said nearest police station, as mentioned in paragraph 3, of the destination of his travel and the duration thereof.
6. That the prosecution takes all the necessary procedural steps, by **28th September 2018**, that would ensure that the homicide trial commences in the High Court including: filing and serving disclosures and charge sheet; the compliance with the provisions of Chapters VIII or IX of the CP & EC in relation to committal of the accused person for trial before the High Court.
7. The State and the defence should file and serve a schedule responding to s303(5) of the CP & EC by **31st October 2018**.
8. That the applicant should attend a plea and directions hearing before the High Court sitting at **BLANTYRE**, court room #1, 3rd Floor, Chichiri Court House at **9 am** on the **22nd November 2018**.

Pronounced in open court this 20th day of June 2018 at Chichiri, Blantyre.



Dorothy nyaKaunda Kamanga
JUDGE

Case information :

Date of hearing	: 20 th June 2018.
Mr. H. Panyanja	: Senior Legal Aid Advocate for the Applicant.
Mr. C. B. Chitsime	: Principal State Advocate for the Respondent.
Applicant	: Absent /represented.
Ms. Mthunzi	: Principal Court Reporter.
Ms. Million	: Court Clerk.