

REPUBLIC OF MALAWI

IN THE HIGH COURT OF MALAWI
ZOMBA DISTRICT REGISTRY
MISCELLANEOUS CRIMINAL APPLICATION NO. 72 OF 2021

AUCKLAND DICKSON

APPLICANT

AND

THE REPUBLIC

RESPONDENT

Coram: Z.J.V. Ntaba, Hon. Justice
Capt. A. Kamwendo, Rtd. Counsel for the Applicant
Mr. A. Mphepo, Counsel for the State
Ms. C. Nyirenda, Court Clerk and Interpreter

BAIL RULING

1.0 APPLICATION DETERMINATION

- 1.1 The Applicant is hailing from Mulipa village under Traditional Authority Nsanama in Machinga. He operates a business as well as resides at Songani Trading Centre in Zomba. On 14th July, 2021, he had gone to pick up charcoal and upon being stopped at Mposa/Chipole by traffic officers, he hit and killed Inspector Laudon Frank Bizani who was Officer in Charge for Mposa Police Unit. He indicated that he was denied bail twice in the magistrate courts. He argued he should be granted bail on terms and conditions that the Court deems fit as it is not known when his matter will commence. He also said he has no capacity to interfere with police investigation. He supported his application with skeleton arguments which highlighted how the law was in favour of him being granted bail.
- 1.2 The State in their affidavit in response confirmed the facts of the case. They prayed that the Applicant not be granted bail as the investigations were completed and that they were

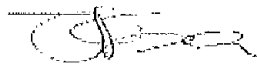
accused is to be tried, the strength of the case against the accused and the temptation that he or she may in consequence attempt to evade his or her trial to mention a few are all aspects for a court's consideration. Taking into account the circumstances of the case herein despite the non-compliance by the State, it is this Court's considered opinion that the case herein is very serious and the nature in which it was committed do not shift the balance to the Applicant. Therefore, the interests of justice as well this Court's discretion are not in favour of granting the Applicant bail.

2.0 ORDER

- 2.1 This court therefore after examining the arguments by both the Applicant and the State orders bail is hereby denied.
- 2.2 The State is ordered again to do all necessary issues for pretrial procedures and ensures this matter is tried by March, 2022. The Director of Public Prosecutions and Inspector General are notified of the importance of this case and need of urgent attention by their offices.

I order accordingly.

Dated this 16th day of December, 2021.



Z.J.V Ntaba
JUDGE