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HIGH COURT OF MALAWI
CRIMINAL REGISTRY
27 JUL 2022
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ZOMBA

REPUBLIC OF MALAWI
IN THE HIGH COURT OF MALAWI
ZOMBA DISTRICT REGISTRY
SITTING AT ZOMBA PRISON

MISCELLANEOUS CASE NO. 41 OF 2022

BETWEEN

STEVEN TAULO APPLICANT

AND

THE REPUBLIC RESPONDENT

*Coram: Honourable Justice Violet Palikena-Chipao
Mr. H. Ching'anda, of Counsel for the Applicant
Mr. G. Msume, of Counsel for the Respondent
Ms. A. Kazambwe, Official Interpreter and Court Clerk*

RULING ON APPLICATION FOR BAIL PENDING TRIAL

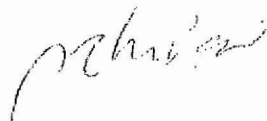
1. The Applicant, Steven Taulo, is on remand at Zomba Maximum Prison on allegations of murder.
2. The Applicant was arrested by Balaka police in 8th October, 2020 on the allegations of having caused the death of his wife, Elita Anderson.
3. The brief facts are that the Applicant quarrelled with his wife whom he claims was chasing him from her home to prevent him from eating the wealth of their children. Angered by her constant pressure, the Applicant took a knife and hit his wife with it and his wife was declared dead at hospital.

4. The State in their response stated that the Applicant planned to kill his wife and to later kill himself and that he attempted to commit suicide by a rope and he was rescued by members of the community.
5. The Applicant surrendered himself to police.
6. The Applicant has been in custody since then and over one year has elapsed. It is on the basis of the length of stay on remand without prospects of trial in the near future and the fact that the Applicant prays to this court for bail pending his trial.
7. The State has indicated that investigations were completed but that they are yet to receive the docket from the Police. The State undertook to commence trial at the soonest time possible but said that bail may be granted.
8. Every Accused person is entitled to be granted bail unless the interest of justice demands otherwise. In deciding whether or not it is in the interest of justice to grant bail, the Bail Guidelines Act in Section 3 under Part II on Bail by the Court Paragraph 4(a) to (d), lays down the following principles which the court should take into account;
 - (a) the likelihood that the accused, if released on bail, will attempt to evade his or her trial
 - (b) the likelihood that the accused, if he or she were released on bail, will attempt to influence or intimidate witnesses or to conceal or destroy evidence
 - (c) the likelihood that the accused, if he or she were released on bail, will endanger the safety of the community or any particular person or will commit an offence
 - (d) in exceptional circumstances, the likelihood that the release of the accused will disturb the public order or undermine the public peace or security
9. Whilst the burden to show that the interests of justice require further detention lies on the State, the Court may also on its own, notwithstanding any representations to the contrary by the Applicant or the State or both, make its independent finding upon weighing the personal circumstances of the accused Applicant and the 9 interests of Justice. According to Part II Section 9 of the Bail Guidelines Act, "Notwithstanding the fact that the prosecution does not oppose the granting of bail, the court has the duty to weigh up the personal interests of the accused against the interests of justice."
10. There is no suggestion that the Applicant may evade trial if released on bail. The issue raised as to his availability relates to his safety as against himself in view of the allegations of attempted suicide. Other than that, there is nothing else in the interest of justice against the granting. It is not clear as to when trial may commence. In the circumstances, the court finds it in the interest of justice to grant bail to the applicant. Bail is therefore granted to the Applicant on the following conditions;
 - a. Cash bond of K30, 000
 - b. Two sureties bonded in a non-cash sum of K100, 000
 - c. The Applicant and his sureties to produce their national identities
 - d. Applicant is to report for bail at the nearest police station Fridays every fortnight
 - e. Applicant is to surrender travel documents to the court if any.

11. The State is directed to take all preliminary steps for the trial of the Applicant including committal proceedings and filing of disclosures within 60 days from today. The matter is to come for plea and directions on 12th May, 2022 9am.

It is so ordered.

Pronounced in Chambers this 4th Day of March, 2022.



Violet Palikena-Chipao

JUDGE