

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

Criminal Case No. 3 62/2007

MPENDULO HLATSHWAKO

ZWELINKAMBULE

Vs

REX

Coram

S.B. MAPHALALA - J

For the Applicants

IN PERSON

For the Respondent

MR. S. FAKUDZE

JUDGMENT 19th

March 2008

[1] The matter appeared before me on the 19 November 2007, where Counsel for the Applicants stated that there was no opposition as regards the 2nd Applicant and therefore he should be granted bail forthwith.

[2] According to the 2nd Applicant in his Founding affidavit he is a 17 year old Swazi male of Matsapha in the District of Manzini. On or about the 11th September 2007, while at Matsapha he was arrested by police officers based at Matsapha on a charge of murder. He is in custody since. He is charged with 1st Applicant. He states that he has a *bona fide* defence to the charge in that he had no intention to kill but was only acting on self-defence. He will plead not guilty at trial. At the time of his arrest he was employed as a kombi conductor and earned the sum of E750-00. He is unmarried and has no children.

[3] He has stated in paragraph 9 thereof that should he be released on bail he shall not abscond nor interfere with the due process of the law. Should he be released on bail he shall reside at Emathangeni area and the nearest police station thereto is Matsapha Police Station.

[4] In view of the fact that the application for bail by the 2nd Applicant is not opposed by the Crown I am duty bound to grant the Applicant bail in accordance with the provisions of the amended section of the Criminal Procedure and Evidence Act. I rule that the parties enter into the normal Recognizance in bail applications to be endorsed by the court.

SB MAPHALALA

JUDGE