

Justin Andison v Republic

Summary

Court:	High Court of Malawi
Registry:	Criminal Division
Bench:	Honourable Justice Violet Palikena-Chipao
Cause Number:	Bail Application Cause Number 125 of 2021
Date of Judgment:	December 06, 0022
Bar:	Debwe, of Counsel of the applicant Kumwenda, of Counsel for the respondent

The Applicant sought bail pending trial in the High Court, Zomba District Registry, following prolonged pre-trial detention on a murder allegation. The Applicant had been in custody since November 2017, accused of causing his wife's death, which a post-mortem indicated was due to strangulation. The deceased was epileptic and pregnant. The Applicant contended that his continued detention was illegal as his pre-trial custody time limit had long expired, with no immediate prospects of trial.

The State confirmed that investigations were complete but awaited the police docket and notably did not object to the bail application. The principal legal

questions before the Court were whether to grant bail considering the Applicant's prolonged detention and the State's non-opposition, while also assessing the interests of justice as guided by the Constitution and the Bail Guidelines Act. The appeal was allowed. The Court, observing the Applicant's over four years on remand and the State's lack of objection, found no reason to deny bail in the interests of justice. The Court granted bail with conditions including a K30,000 cash bond, two sureties bonded at K100,000 each, production of national IDs, fortnightly reporting to the nearest police station, and surrender of any travel documents. The Court further directed the State to commit the Applicant for trial to the High Court within 30 days and file necessary disclosures within 60 days, with a plea and directions hearing set for 10 March 2022.