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**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

Case number: A77/2022

REPORTABLE: NO
OF INTEREST TO OTHER JUDGES: YES
REVISED: YES
13 SEPTEMBER 2022

In the matter between:

**THE DIRECTOR OF PUBLIC
PROSECUTIONS, PRETORIA**

Applicant

v

WILLAM JOSEPH MUDOLO

1st Respondent

ZETHU ONDOWA MATHINGANA MUDOLO

2nd Respondent

JUDGMENT

MOSOPA. J

1. This is an appeal in terms of the provisions of section 65A of the Criminal Procedure Act, 51 of 1977 ("CPA"), brought by the State, represented by the applicant, against the order made by Magistrate T Theledi, sitting in the Pretoria Magistrates' Court on 17 June 2021, permitting that the first respondent be released on bail brought on new facts.

2. Further, this is an appeal against the order made by Magistrate T Theledi on 8 March 2022, amending the bail conditions of the first and second respondents imposed on 4 November 2020 and 17 November 2021, respectively.

BACKGROUND

3. The respondents, who are husband and wife, the first respondent being a Zambian national and the second respondent a South African, are arraigned along with four (4) other accused in the Pretoria Magistrates' Court, wherein the first and second respondents appeared as accused numbers one and two, on a Schedule 5 offence, relating to theft and money laundering to the value of over R100 million.

4. On 4 November, the second respondent was granted bail in the amount of R20 000.00. On the same date, her co-accused, Mr Shepherd Huxley Bushiri and Ms Mary Bushiri, who appeared as accused numbers four and five, were also granted bail in the amount of R200 000.00. Accused six, Ms Landiwe Nthokwana Sinalani was also granted bail in the amount of R100 000.00.

5. The bail conditions set for the second respondent on 4 November 2020, were that;

5.1. she must report to the Morningside Police Station every Monday and Friday, between 06h00 and 18h00, until the matter is finalised;

5.2. she is prohibited from travelling outside the borders of the Republic until the matter is finalised;

5.3. she must surrender her travelling documents to the Investigating Officer,

which should remain in his custody until the matter is finalised;

5.4. she must not intimidate and threaten state witnesses, either directly or indirectly; and

5.5. she must adhere to these bail conditions and that the State has a discretion to bring an application in terms of section 68 of the CPA, for the cancellation of her bail, in event of default.

6. The first respondent's bail application was not heard on the date it was brought by the first respondent. On 6 November 2020, the Pretoria Magistrates' Court cancelled the bail of accused four and five as they absconded, in terms of the provisions of section 68(1) of the CPA and issued the warrant for their arrest. When the current matter was heard on 15 July 2022, accused four and five were still at large.

7. On 15 December 2020, the first respondent was denied bail and on 17 June 2021, the first respondent was permitted to bail in the amount of R250 000.00, in an application brought on new facts, where the following conditions were imposed;

7.1. that he is not to leave Gauteng Province and must reside at his place of residence until the trial matter is finalised;

7.2. that he is prohibited (barred) from traveling outside the borders

of the Republic until the matter is finalised;

7.3. that he is prohibited (barred) from applying for or obtaining any traveling documents during the duration of the trial;

7.4. that he must report to Sandton Police Station every Monday and Friday between 06h00 and 18h00 until the matter is finalised;

7.5. that he must surrender his title deed of his property located at [...] E[....], S[....], Sandton, with a purchase price of R25 million to the National Prosecuting Authority, Asset Forfeiture Unit, at VGM Building in Silverton on or before 17 June 2021 for safekeeping until the matter is finalised. Further, that he, along with the second respondent, are prohibited from applying for a new title deed and disposing of such property in any matter until the matter is finalised.

8. On 8 March 2022, the first and second respondent's bail conditions were amended by Magistrate T Theledi, in terms of the provisions of section 63 of the CPA, to read as follows, after an application was brought by the respondents for such an amendment, which application was opposed by the State;

8.1. that the first and second respondents' bail condition that they may not travel outside the borders of Gauteng, is amended to read that they may travel outside the borders of Gauteng on condition that the investigating officer is informed in writing and they must provide the investigating officer with the confirmation of their bookings seven days before their departure, they cannot be away from Gauteng for more than ten (10) days and they are excused from reporting to the Police Station on Monday and Friday while away from Gauteng;

8.2. amending the condition that prohibits them from traveling outside the borders of the Republic and that they may travel outside

the borders of the Republic by informing the investigating officer in writing fourteen (14) days before their departure, and furnish him with confirmation of their accommodation bookings as well as return flight tickets, and;

8.3. that they may not be away from the Republic for more than twenty-five (25) days, and in the period of their absence from the Republic, they are excused from reporting to the Police Station on Mondays and Fridays.

9. The applicant obtained an order for leave to appeal the Pretoria Magistrates' Court's order granting bail to the first respondent and the amendment of the bail conditions of the respondents on 4 May 2022, in terms of section 310A of the CPA, in which condonation for the late filing of the leave to appeal application was also granted.

LEGAL PRINCIPLE

10. Section 65A(1)(a) - (b) of the CPA which this appeal matter resorts under provides that;

"65(A)(1)(a) - The attorney-general may appoint to the superior court having jurisdiction, against the decision of a lower court to release an accused on bail or against the imposition of a bail condition of bail as contemplated in section 65(1)(a);(b)-The provisions of section 310A in respect of an application or appeal referred to in that section by an attorney-general and the provisions of section 65(1)(b) and (c) and (2), (3) and (4) in respect of an appeal referred to in that section by an accused, shall apply mutatis mutandis with reference to a case in which the attorney-general appeals in terms of paragraph (a) of this subsection."

11. The subsections and subparagraphs still make reference to the words

"attorney-general" and "superior court", but for the purposes of the determination of this matter, it may be accepted that references to attorney-general are understood to mean the office of the Director of Public Prosecutions (the applicant) and references to superior court are understood to mean the High Court.

12. Of importance is that the subsection extends a right to appeal to the applicant, not only against an order to release an accused on bail by the lower courts, but also against the imposition of bail conditions relating to the release of the accused on bail in terms of the provisions of section 65(1)(a) of the CPA.

13. Section 60(12) of the CPA provides that;

"[60(12) The court may make the release of an accused on bail subject to conditions which in the court's opinion, are in the interest of justice."

14. The court's primary consideration when considering an application to amend an accused's bail conditions in terms of section 60(12), is to make a determination as to whether such an amendment to the accused's bail conditions is in the interest of justice. This approach was adopted in the matter of **S v Savoi 2012 (1) SACR 438 (SCA)** at para 7, where the Supreme Court of Appeal held that the lower court primarily had to consider the interests of justice when determining whether an amendment of the bail conditions was necessary.

15. The onus rests on the party seeking the amendment and such burden of proof ought to be discharged on a balance of probabilities (see **Shefer v Director of Public Prosecutions, Transvaal 2004 (2) SACR 92 (T)** at 99G). It is therefore accepted that a party seeking the amendment ought to advance evidence that indicate on the probabilities that an amendment of bail conditions will;

- i) give credence to and;
- ii) be the best expression of the interest of justice.

16. Section 63(1) of the CPA provides that;

"[631](1) Any court before which a charge is pending in respect of which bail has been granted may, upon the application of the prosecutor or the accused, increase or reduce the amount of bail determined under section 59 or 60 or amend or supplement any condition imposed under section 60 or 62, whether imposed by that court or any other court, and may, where the application is made by the prosecutor and the accused is not present when the application is made, issue a warrant for the arrest of the accused and, when the accused is present in court, determine the application."

17. The purpose of section 63(1) is mainly to regulate the process where for example there is a change in the circumstances of a particular accused which warrants the appropriate amendment to the conditions of bail or the bail amount which was earlier fixed by a particular court (see **Shefer** matter *supra*; *Commentary on the Criminal Procedure Act*, Du Toit et al, at 9-91). Section 63(1) should be read with the provisions of section 60(2B) of the CPA.

18. Finally, section 65(4) of the CPA provides for the court's powers when sitting as an appellate court in bail matters and states;

"[651](4) The court or judge hearing the appeal shall not set aside the decision against which the appeal is brought, unless such court or judge is satisfied that the decision was wrong, in which event the court or judge shall give the decision which in its or his opinion the lower court should have given."

19. The subsection basically vests the appeal court dealing with the appeal against bail and/or bail conditions with the same status as the appeal court determining an appeal on conviction and sentence. The appeal can only interfere with such order where a misdirection occurred.

MAGISTRATE'S REASONS FOR GRANTING THE FIRST RESPONDENT BAIL ON NEW FACTS AND FOR AMENDMENT OF BAIL CONDITIONS OF THE RESPONDENTS

20. In denying the first respondent bail, the lower court initially looked at the fact that the first respondent was arrested at OR Tambo International Airport, as he attempted to leave the country, despite his legal representative having been given notice of the imminent arrest of the first respondent. After his detention, he found to be in possession of a cellphone, communicating with unidentified people, more importantly, bribing court officials for his release. The right to innocence plays a very limited role at that stage of the proceedings and consequently, the court found that it is not in the interests of justice to release the first respondent on bail.

21. In permitting the first respondent to bail, the lower court stated that;

"In this application, the court has taken a look at the facts stated holistically including the fact that the accused has been incarcerated for eight months, the fact that he has argued the strength of the case against him as a person, the fact that his mother's health is failing, the fact that his health is suffering due to the fact that he might be incarcerated for a lot longer than anticipated to the fact that some of his co-accused have absconded."(sic)

22. In amending the bail conditions of the respondents', the lower court, after considering the fact that the first respondent's businesses are suffering as he is prohibited from traveling outside the borders of the Republic, stated that;

"The court is also taking into account the fact that in light that the proceedings have already proven to be lengthy clearly their livelihood is going to be negatively affected. Whereas the purpose of bail condition is not to cripple them economically, but to ensure that they attend the rest of the criminal proceedings.

Accused 2 is a South African national. The two of them are married. They also have put up their 25 million rand worth of a house together with a joint amount of R270 000 for bail.

When the court amends their conditions it will do so in a way that we will bind them to return to Republic of South Africa."

DELAY IN APPEALING LOWER COURT'S ORDER

23. Bail in respect of the first respondent was granted on 17 June 2021, and the respondent's bail conditions granted on 8 March 2022, and it was contended by Mr Hlatwayo on behalf of the respondents that the lapse of time between the granting of bail and the time taken to appeal such orders is a long period of time which renders the appeal academic.

24. The applicant did not attach to this appeal record, an application brought in terms of section 310A of the CPA for leave to appeal the lower court's orders, but only the order granted on 4 May 2022 by this court. From the order, it is plain that condonation of the late filing of the leave to appeal application was sought by the applicant. This court, when considering that application, it can be accepted that it was of the view that, amongst other things, there are prospects of success on appeal, as it is the test (see ***Prokureur-Generaal, Vrystaat v Ramokhozi 1997 (1) SACR 127 (0)*** at 139(i) to 140(a)).

25. This is the acceptable test of condonation application but unfortunately this court does not have the benefit of the reasons behind the granting of

such application in terms of section 310A of the CPA.

26. Section 65A(1)(a) does not deal with the time period within which the appeal must be brought. It is trite that bail appeals, or more generally bail matters are treated as urgent and warrant being heard, as a matter of principle, as soon as possible (see **S v Maliwa 1986 (3) SA 721 (W)**). The applicant in its notice of appeal does not state why the appeal was brought late, but as I have already indicated, I assume that that factor was dealt with in the application for leave to appeal.

27. It is for the above reasons that I find that the appeal should not be treated as academic, also taking into account that the amendment of bail conditions was granted as recently as 8 March 2022, which was followed by an order granting leave to appeal on 4 May 2022.

ANALYSIS

28. When the first respondent was initially denied bail, he was deemed a flight risk, as the lower court considered the fact that when the first respondent was arrested, he was attempting to leave the country on a one-way flight ticket. Since the first respondent was granted bail on 17 June 2021, he has never defaulted on his court appearances and he has adhered to his bail conditions.

29. The approach should consider all facts by the court when considering a bail application on new facts before it, new and old, and on the totality come to a conclusion (see **S v Peterson 2008 (2) SACR 355 (CJ; S v Mququ 2019 (2) SACR 207 (ECG)**). In both applications for bail, the first respondent deposed to affidavits and also in the second bail application on new facts led the evidence of Warrant Officer de Lange who was initially the investigating officer in the matter.

30. In his affidavit in support of bail on new facts, the first respondent

averred that;

30.1.his health has deteriorated in prison and he is suffering from shortness of breath, recovered from chicken pox and he has abdominal problems and stomach aches. He is unable to get the necessary medical treatment whilst in custody at the correctional centre;

30.2.his family life is affected financially as he is not working and he is the sole breadwinner;

30.3.his mother, who resides in Zambia, is sick and has been referred to a cardiologist and an endocrinologist, but she is unable to consult with the experts because of his incarceration;

30.4.he employs a number of people whose families depend on him for financial support and his continued incarceration impacts his employees and companies as he cannot generate income;

30.5.he has instructed his attorney, Mrs Hitge, to apply for the extension of his visa with the Department of Home Affairs and she has received a letter of good cause from the Department;

30.6.the extradition process relating to accused numbers four and five by the State is going to delay the finalisation of the matter further as at the time of deposing to the affidavit, he had been in custody for seven months, pending the finalisation of the matter. Further, that the State is taking a long time to finalise the investigation of his matter, and;

30.7.the State's case against him is weak.

31. Warrant Officer de Lange testified that the first respondent is linked as a director in the company called The Rising Estates, in which he is a co-director with the second respondent, because of a deposit which was made into the

account belonging to The Rising Estates. In the conversation he had with the first respondent, he informed him that the complainant said she wanted her money back and she is not interested in the arrest, as she is sick and does not have money for her medication, and the amount involved was R900 000.00. The first respondent left the country several times but he could inform him when he left the country, as he informed him that he needs money to repay the complainant and the money is not in the Republic, but that was before his arrest.

32. In cross-examination, it was put to him that after three years, when he was no longer the investigating officer in the matter, he cannot testify about the strength of the State's case, as four additional statements were obtained from complainants. Further, that he is not aware of other investigations that links the first respondent to the commission of the offences.

33. It appears that the lower court, when deciding the application for bail on new facts of the first respondent, did consider the decisions of **S v Peterson** and **S v Mququ** (*supra*), but did not apply the principles in those authorities to the current matter. The lower court, in permitting the first respondent to bail, failed to consider the admitted evidence used to deny the first respondent bail in the first bail application.

34. No consideration was placed on the fact that the court, in denying the first respondent bail, found that he was a flight risk, he uses passports with different dates of birth and that he has access to his cellphone while in custody and effected international transfers of money.

35. The lower court found that the State's case is weak against the first respondent, despite the evidence of Warrant Officer de Lange traversed when he testified that the first and second respondents are only linked by the deposit made into the account linked to the company that they are listed as directors of, whereas after he was removed as the investigating officer, the State obtained further evidence linking the first respondent to the commission

of the offence. The lower court further disregarded the evidence of Warrant Officer de Lange that the first respondent was willing to repay the complainant who deposited the money into his company's bank account. This admissible evidence, in my considered view, weighed against the granting of bail of the first respondent.

36. Despite all I have stated above, I find it difficult to interfere with the decision of the lower court and set it aside for the following;

36.1. at the time of hearing this appeal matter, it was not placed before me that since the first respondent was permitted to bail, he has defaulted on his appearances at court or contravened his bail conditions;

36.2. no evidence was adduced on his current status in the country which played a major role in the refusal of bail in his initial bail application and labelled a flight risk, the only issue dealt with was the different dates of birth in passports possessed by the first respondent. It is common cause that the first respondent traveled into and outside the Republic with such passports.

AMENDMENT OF BAIL CONDITIONS

37. Both the respondents, when they were permitted to bail, conditions were attached to their release on bail. Amongst the conditions set, was that they cannot travel outside the province of Gauteng without informing the investigating officer and also that they cannot travel outside the borders of the Republic. They were ordered to surrender their traveling documents and prohibited from applying for new traveling documents.

38. The application for the amendment of bail conditions of the respondents was done by way of affidavits, the second respondent deposing to a confirmatory affidavit, in which the first respondent stated that;

38.1. there has been a change in their circumstances since their original bail applications and bail conditions set, in that he has been granted a spousal permit which will expire in 2024 and he is allowed to apply for permanent residence in the Republic;

38.2. that he has business establishments in the Republic, Zambia, Hong Kong and he is required to travel on a regular basis in order to facilitate and negotiate deals for their group of companies;

38.3. after becoming aware of the investigations into them a year before his arrest, he traveled outside the Republic many times and every time he would inform Warrant Officer de Lange of his travel arrangements and also when he returned to the country;

38.4. the concession made by the State on 17 November 2021, that his arrest was made prematurely due to allegations of abscondment;

38.5. that since his release, he has been subject to harassment by the State and the investigating team. The matter is constantly under investigation and there is no indication as to when the investigations will be concluded, accompanied by numerous postponements;

38.6. he cannot conduct business relating to his clients remotely as his physical presence is needed to purposes of making presentations, assessments and analysis;

38.7. that the international travel restrictions of the second respondent be cancelled as she is currently assisting him in some of the family businesses and she assists mostly in research and development. Further, that she be released from reporting to the police station as prescribed.

39. The State led the oral evidence of Colonel Marais, who conducted a

company research with regard to the international company of the first respondent, ADF Holdings, which he said only existed on paper and the sole director of ADF Holdings is Renier Human. According to the CIPC information, Renier Human is not connected to the respondents. The address listed for the company is located in Hermanus in the Western Cape. The visit to this address indicated that there were no inhabitants at that address and that it was the address used by Mr Human. On the other visit to the address, they found a tenant who confirmed moving to the place not so long ago.

40. He later received information that Mr Human left the country in 2019, meaning that when the company was registered in 2019, he was no longer resident in the Republic. ADF Holdings is linked to the first respondent, as one of the directors. On the strength of the State's case, he testified that during investment scheme, the respondents, through The Rising Estates, both personally gained profits from the investors' money that was never paid back. The first respondent was part of the planning as well as the execution of the day to day running of the business, and the second respondent was always present when they made presentations to investors.

41. In cross-examination, he testified that there was one or two times when the first respondent could not report to the police station and he phoned him to inform that there was a problem at the police station. However, Colonel Marais could not produce direct evidence to support his account.

42. The lower court, when amending the bail conditions of the respondents only amended the prohibition on the respondents' traveling outside the border of Gauteng and the Republic, and exempted them from reporting during their absence from either Gauteng or the Republic. The further condition which was added was that the respondents cannot be away from Gauteng for more than ten days, and from the Republic for more than twenty-five days, and further that the investigating officer must be informed of their movements before they leave.

43. The overriding principle in a request for amendment of bail conditions is whether it will be in the interests of justice to do so (see **S v Savoi 2012 (1) SACR 438 (SCA)**). In considering such, the court ought to exercise its discretion judicially, in the form of a value judgment, balancing the right of the accused with that of the public (see **S v Schietekat 1999 (2) SACR 51 (CC)**).

44. The fact that the accused has businesses outside the Republic was not raised for the first time when an application was brought in terms of section 63(1) of the CPA. The issue first arose when the first respondent's application to be permitted to bail was refused. However, what I realised is that initially, his businesses were said to be located in Hong Kong and Zambia, but as the bail applications progressed, further businesses were added. Investigations were done on the business addresses provided and some of the businesses were confirmed to exist (even though some only on paper), the Hong Kong business could not be confirmed. Most of the listed businesses' offices were found to have been closed and moved to other addresses which are mainly located in residential areas.

45. No business was found to exist in Durban and no search was made in Cape Town, but elsewhere in the Western Cape, where it was found that the listed business does not exist, but is registered under Mr Human, who was not even linked to the first respondent. There is no evidence placed before me as to whether the respondents traveled outside the borders of the Republic since the amendment of their bail conditions was effected or whether they contravened such amended bail conditions. Further, that it is because of such travel beyond the borders of the Republic that the finances of the first respondent's businesses improved.

46. Despite the fact that it is admitted by the State that the respondents and more particularly, the first respondent is a businessman, the nature of the business conducted is not clear from the papers. The only evidence adduced by the respondents is that the nature of their business require that they physically meet with clients and this cannot be done remotely, without

indicating in detail why there is a need for the first respondent in particular, to physically meet with clients or travel outside the borders of the Republic

47. What also worsens the issue is the fact that the first respondent is not the sole director of the companies which are situated outside the Republic and failed to show on a balance of probabilities that he is the only person authorised to interact with clients or investors on behalf of the companies. Moreover, he alleges that he is in the process of training the second respondent to assess and interact with clients as they are co-directors in some of the companies that they own or have directorship.

48. The first respondent's concern was with regard to the employees of his businesses, however such averment is vague in the sense that it lacks particularity, as to where these employees are currently, whether they are in the Republic or outside, what happened to such employees when the respondents were prohibited from traveling outside the country, whether they lost their employment or not, as a result of that prohibition.

49. What was stated in justifying the amendment of bail conditions was that a restriction on the respondents' travel abroad has impacted their business financially. No proof was attached to justify such financial loss in the form of financial statements, and the lower court erred in holding that the bail conditions set will "cripple" the respondents financially. The onus is on the party on probabilities to justify the amendment of bail conditions.

50. The lower court erred in not considering the interests of justice when amending the bail conditions of the respondents, as is a requirement in such an enquiry. What ought to be considered in such applications was set out in the matter of **S v Litman 2021 JDR 3273 (WCC)** at paras 17 to 18, when the following was stated;

"[17] It seems to me that when a court is required to amend an accused's bail conditions, the inquiry resolved itself into the primary

consideration whether it is in the interest of justice to do so. This is apparent from a mere reading of s60(12) that requires a court to attach bail conditions that are in the interest of justice. This approach was echoed in S v Savoi 2012 (1) SACR 438 (SCA) where the Supreme Court of Appeal said that the lower court primarily had consider the interest of justice whether an amendment of bail conditions is necessary.

[18] Ultimately to determine what would be in the interest of justice requires of this Court to exercise a judicial discretion in the form a value judgement balancing the right of the accused with that of the public (S v Schietekat 1999 (2) SACR 51 (CC) par 46."

51. Bail conditions serve "to ensure that whatever fears the State might have in the release of an accused person are taken care of". The most significant concern of the State is that the first respondent is a flight risk and if it happens that he leaves the country and absconds and ultimately defaults on his court appearances, it will not be easy to trace the first respondent and arrest him for such a default.

52. There are four basic principles which govern bail conditions in general, which are;

52.1. that a bail condition may not be *contra bonos mores* (contrary to good morals) (see **De Jager v Attorney-General, Natal 1967 (4) SA 143 (D)**);

52.2. bail conditions should neither be vague nor ambiguous (see **S v Bundler 1973 (1) SA 264 (C)** at 271A);

52.3. bail conditions must not be *ultra vires* (conditions outside those permitted by law may not be inserted) (see **S v Conradie 1907 TS 455**) and;

52.4. bail conditions must be practically feasible (see ***R v Fourie 1947 (2) SA 574 (0)*** at 577).

53. It is not the contention of the State that the amendment of bail conditions does not meet any of the basic principles, but only the fear of the first respondent absconding. I am satisfied that a proper case was made on setting aside the amended bail conditions of the first respondent and no case was made for the setting aside of the second respondent's amended bail conditions. On his own admission, the first respondent indicated that he trained the second respondent as a co-director in his companies, so she may interact and assess their businesses with other stakeholders. As such, she can travel beyond the borders of the Republic and perform her duties as a co-director of the companies and also act on behalf of the first respondent through a company resolution. Most of the listed companies belonging to the first respondent are situated in the province of Gauteng, as can be gleaned from the addresses which were investigated by the investigation team.

ORDER

54. In the consequence, the following order is made:

1. The appeal by the State to set aside the release on bail of the first respondent on bail on new facts is hereby refused.

2. The appeal by the State against the setting aside of the amended bail conditions of the first respondent is upheld and the following order will remain in place;

- 2.1. that the first respondent is not to leave the province of Gauteng and must reside at his place of residence, the address of which was provided to the State as [...] E[...], S[...], Sandton, until the matter is finalised;

2.2. that the first respondent is prohibited from traveling outside the borders of the Republic until the trial matter is finalised;

2.3. that the first respondent is prohibited from applying for or obtaining any travel documents until the matter is finalised;

2.4. that the first respondent must report to Sandton Police Station every Monday and Friday, between 06h00 and 18h00, until the matter is finalised;

2.5. that the first respondent must surrender the original title deed to his property situated at [...] E[....], S[....], Sandton, which is valued at R25 million, to the National Prosecuting Authority, Asset Forfeiture Unit, at VGM Building in Silverton for safekeeping until the matter is finalised;

2.6. that the first respondent is prohibited, together with the second respondent, from applying for a new title deed or disposing of the property situated at [...] E[....], S[....], Sandton, in any manner until the matter is finalised.

3. The appeal by the State against setting aside the amended bail conditions of the second respondent, except for the condition that she may not dispose of the property situated at [...] E[....], S[....], Sandton, until the matter is finalised, is hereby refused.

MJ MOSOPA
JUDGE OF THE HIGH
COURT, PRETORIA

Appearances:

For the applicant:

Adv A Mosing

Adv D Rosenblatt

Instructed by:

The DPP

For the respondent:

Adv MM

Instructed by:

Hlatshwayo Mabuza Attorneys

Date of hearing:

15 July 2022

Date of judgment:

Electronically delivered