

REPUBLIC OF SOUTH AFRICA




IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: SS84/2022

- (1) REPORTABLE: NO
- (2) OF INTEREST TO OTHER JUDGES: NO
- (3) REVISED: NO

26 MAY 2026

DATE



SIGNATURE

In the matter between:

MICHAEL MASHUDU TSHIFHANGO

First Applicant

MZWANDILE HLOPE

Second Applicant

LUCAS JOHANNES VAN DER NEST

Third Applicant

and

THE STATE

JUDGMENT FOR RELEASE ON BAIL PENDING SENTENCING

MBONGWE, J:

INTRODUCTION

- [1] When release on bail is sought pending sentencing by an Accused after a conviction on a schedule 6 offence, the test is whether the Accused has demonstrated exceptional circumstances justifying the granting of bail.
- [2] All three applicants were on bail until their conviction on serious offences. It is a concern to this Court that:
1. Not only do the applicants for bail show an oblivion as to the seriousness / gravity of the offences with which they have been convicted, but also unfathomably express an egregious underestimation of societal perception of the judicial system when the release on bail to be granted on frivolous grounds.
 2. All three applicants before this Court have shown no more than personal and familial interest as premises for seeking release on bail pending sentencing. These by no stretch of imagination meet the legal threshold for granting bail in the face and gravity of the offences they have been convicted of.
 3. The law is binding on the Court and obliges it not to willy nilly in circumstances where the set statutory regulations have not been met.
 4. In consequence of these conclusions, all three (3) applicants' applications for release on bail pending sentencing stand to be dismissed.


MPN MBONGWE

JUDGE OF THE HIGH COURT

GAUTENG DIVISION, PRETORIA**APPEARANCES**

For the State: **Adv R. Williams**

Instructed by: **The State**

For First & Second Applicants: **Adv Ngwana**

For the Second Applicant: **Adv Boucher**

Date of Hearing: 26 May 2026

Date of Judgement: 26 May 2026

THIS JUDGEMENT WAS ELECTRONICALLY TRANSMITTED TO THE PARTIES' LEGAL REPRESENTATIVES AND UPLOADED ONTO CASELINE ON 26 MAY 2026 2026.