

CULPABLE HOMICIDE ACCUSED GRANTED BAIL

SIM gave away driver who fled

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POLICE used a SIM card to track down the alleged driver of a VW Golf who allegedly ignored a stop sign and crashed into another car, killing a mother and her daughter and seriously injuring her husband.

This emerged during the bail hearing of 28-year-old Kerwin Malgas, of Wentworth, the motorist accused of the crime and of fleeing the scene.

Malgas, who was granted R5 000 bail by Durban magistrate Vanita Armu, is facing two counts of culpable homicide and further charges of negligent driving, driving an unregistered car and failing to stop at the scene of an accident and assist the injured.

It also emerged after questioning by the magistrate that Malgas did not have a driving licence, and this charge would be added.

The accident, in which Salahia Dawood, 30, and her nine-month-old daughter, Maseehah, died, occurred at a four-way intersection in Merebank at the Easter weekend when the Golf crashed into their car.

Husband Junaid Dawood - who attended the hearing yesterday - was injured.

Testifying in opposition to bail, the investigating officer, Warrant Officer William Palmer, told Armu that the

car's licence plates were false, which made it difficult to trace the driver.

However, Malgas was traced through a SIM card found in the Golf by the police who attended the scene.

Palmer said he was worried about a public outcry and possible interference with witnesses should Malgas be released.

He told the court that when he interviewed Malgas in a flat in Wentworth on April 13 he claimed he had lost the SIM card two weeks ago and denied being any part of the accident.

Interview

He arrested him two to three days after the interview.

Under cross-examination by defence attorney Shameer Goolabjith, Palmer conceded that soon after he interviewed Malgas, Goolabjith offered to hand over his client if the police so wished.

He argued that his client was not a flight risk because the police had arrested him at the same residence where he had been interviewed by Palmer initially.

"He did not flee after you interviewed him, and even though I told you over the phone that I could hand him over, you arrested him," Goolabjith told Palmer.

"You are assuming he will flee. There is no basis for your argument."

Prosecutor Blackie Swart argued that bail should be denied because Malgas had failed to show remorse to the families because he had fled the scene.

Testifying for the State, Rashid Suleman, the president of the United People's Organisation, said Wentworth residents wanted to march to Malgas's home and "burn him with tyres".

Suleman said Malgas would not be safe if he were released on bail because there were "radicals" in the community who could take the law into their hands.

Under cross-examination Suleman admitted that he knew the whereabouts of Malgas two days after the accident, but did not inform the police "because it is the police's job".

"You are the president of the NGO and you withheld information," said Goolabjith.

In her ruling, Armu noted that Palmer had failed to provide evidence that Malgas would interfere with witnesses.

She said a public outcry was "understandable" as lives had been lost, and people condemned fleeing the scene of an accident, but Malgas was innocent until proven guilty.

Outside court Dawood told reporters he was disappointed by the bail amount, but remained confident in the police's evidence.

The case was postponed to May 30.