



**Republic v Lekulal alias Lemasi (Criminal Case E002 of 2020)
[2024] KEHC 10491 (KLR) (22 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10491 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NANYUKI
CRIMINAL CASE E002 OF 2020
AK NDUNG’U, J
AUGUST 22, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

JOHN CHRISTOPHER LEKULAL ALIAS LEMASI ACCUSED

RULING

1. The Accused Person in this case, John Christopher Lekulal Alias Lemas charged with murder contrary to section 203 and 204 of the *Penal Code*. The particulars are that on 3rd of February, 2022 at Ewaso Shopping Centre in Laikipia North Sub-County within Laikipia County jointly with others not before the court murdered Gladys Karari.
2. Bail was opposed by the State vide an affidavit sworn by IP Maxwell Ogutu. This was answered by an affidavit sworn by Nyakundi Advocate and parties proceeded to argue the application through written submissions.
3. In a ruling dated 13th February, 2024, the court noted that background information on the Accused which is a crucial component in an application for bail had not been requested for, neither supplied by the Probation Department thus disadvantaging the court in effectively dealing with the bail application. In view of the foregoing, the court called for a Pre-bail report in respect of the Accused and one has since been filed on 10th June, 2024.
4. In this ruling, I adopt the findings on the law and fact in the ruling dated 13th February, 2024 and I need not regurgitate the same here.
5. I have now perused the Pre-bail Report. The important consideration for the court in granting or denying bail is whether the Accused shall appear for trial.
6. The issue of an Accused being a flight risk therefore takes a center stage in resolving a bail application.



7. The information presented to court in the Pre-bail Report reveals the following. Accused is son to the Late Samuel Lekula and Late Susan Lekulal. Both parents are said to have passed on in the year 2022 leaving behind 7 siblings who are all adults. According to the cultural practice of the residents within this area, who normally practice nomadism the family do not own land which is community held. Of his siblings, none is in formal employment. Accused is the last born.
8. He was born and raised within the Laikipia North Sub-County and is semi-illiterate having attained only lower primary level of education and has lived most of his life engaging in taking care of livestock which is a highly mobile pastoral lifestyle where he moves around from one marginal county to another. Accused is married to two wives and is a father to two children one from each wife. Both reside near each other in rental premises at the Uwasu Trading Centre and have very little say in what their husband does as they are totally illiterate and not much versed in what he engages himself in. The Accused has very little familial support with loose ties to even extended family.
9. With regards to bond a Cousin known as Ririma Lenkalen has offered his vehicle Log Book as a security in the instance that Court awards the Accused bond. He shall avail the value at court's direction but he assured us that in the event he is required he can avail himself before court.
10. Based on the findings the officer makes conclusions that the Accused lives a highly mobile lifestyle. He adds that the Accused is said to also keep the company of people who most within the area say are suspected gang members who steal livestock as he engages in buying and selling the same.
11. Further that the family members were reluctant to divulge much information about him with access to credible information a challenge. It is recommended that due to the emerging issues highlighted above which touch on his risk of flight due to a lack of fixed permanent abode where he or his family can be traced, as well as the already mobile lifestyle, the Accused be subjected to stringent bond terms.
12. I have considered the facts placed before the court. The personal background of the Accused draws a clear picture of a person who has a mobile lifestyle and with very poor familial ties. Even though I note that there is a person offering to stand surety for the Accused, it is not lost on this court that enforcing the terms of bail would be herculean task as without a fixed abode, with wives who know nothing of what the Accused does and with loose familial ties even with the extended family, the Accused is a flight risk and the court find this a compelling reason to deny him bond.
13. With the result that bail is denied. In the interest of justice, this matter shall be expedited to avoid long incarceration in remand.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 22ND DAY OF AUGUST, 2024

A.K. NDUNGU

JUDGE

