



**Republic v Musumba (Criminal Case E029 of 2024)
[2024] KEHC 10712 (KLR) (14 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10712 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
CRIMINAL CASE E029 OF 2024
REA OUGO, J
AUGUST 14, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

JOHN OKUMU MUSUMBA ACCUSED

RULING

1. I have considered the Notice of Motion filed by the State on 18.6.2024, seeking that the accused not be released on bond on grounds that; the accused may flee the country since his matrimonial home is in Kenya and the other is in Uganda and that this might frustrate the trial. The 2nd ground is that the accused may pose a threat to the witnesses who are mostly neighbors and kin of the deceased thereby disrupting and disturbing the trial process.
2. The application was opposed. The pre-bail report does not favor the accused person. The probation officer indicates as follows in the said report; “ Failure by his relatives to find him alternative residence points to weak family ties that may be detrimental to successful bail supervision. It is their considered view that the accused person is currently unsuitable for bond admission at this point in time. That the court may consider reviewing the position at a later stage of his trial when deemed that his home situation has improved and the witness in question has testified’.
3. I have considered oral rival arguments by the prosecution and the defence, which are on record in the court proceedings.
4. The accused has a constitutional right to be released on bond as provided in our Constitution, 2010. However, there are instances where the right doesn’t apply automatically. The right to bond depends on the circumstances of each case. There is no doubt that the accused has homes in both Kenya and Uganda and that the witnesses in this matter are family members and the alleged incident resolves around the family.



5. Considering the latter and the pre-bail report, I decline to release the accused person on bond. The accused person may renew his application for bond/ bail after the prosecution has called the family members to testify. Meanwhile, the accused will be remanded in custody at Bungoma GK Prisons. It is so ordered.

READ, SIGNED, AND DELIVERED AT BUNGOMA ON THIS 14TH DAY OF AUGUST 2024.

R.E OUGO

JUDGE

In the presence of:

Miss Nanzushi For the accused person

Accused - Absent/ in custody/ prison absent online

Miss Matere for the State - Present

Diana - C/A

