



**Republic v Munene (Criminal Case E041 of 2024)
[2024] KEHC 13184 (KLR) (31 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13184 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE E041 OF 2024
EM MURIITHI, J
OCTOBER 31, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

KENNETH MUNENE ACCUSED

RULING

1. The court has considered the Affidavit in opposition of bail filed by the prosecution indicating that the accused went into hiding from 22/4/2023 after allegedly committing an offence of murder herein and was only arrested over a year after on 29/7/2024. The prosecution also aver that the accused has no fixed abode and he is a flight risk.
2. The Defence opposed the prosecutions’ contents in the Affidavit without filing any Replying Affidavit but counsel urged the court to direct the filing of Pre-bail Report by the Probation Officer.
3. The Probation Officer’s Report dated 17/9/2024 confirmed the Prosecution’s case saying in its conclusion:

“Before this court is a 38 year old man who is single. He abuses alcohol according to his family. The accused was on the run for almost one year after alleged committal of the offence and it took combined efforts of authority agencies to apprehend him.

Though is employer is willing to bond him out, the risks of him failing to adhere to bond terms is high considering the fact that he was arrested after a long search.

Recommendations

Considering the above findings, I am of the opinion that the accused is unsuitable for release on bond.”



4. The court would agree that the accused having been arrested over one (1) year after the alleged commission of the offence, in circumstances suggesting he was on the run; having no fixed abode; and, being single with no demonstrable connection to the locality and not shown to own any property in the area, he is a likely flight risk.
5. The Prosecution has demonstrated a compelling reason against grant of bail on the ground of likelihood of absconding the trial. The court directs that the accused be held in custody for the duration of the trial, unless and until there is demonstrated changed circumstances to warrant a review of bail.

Orders

6. Accordingly, the accused's bail application is declined.
7. Directions as to hearing maintained for the 3/12/2024.

Order accordingly.

DATED AND DELIVERED THIS 31ST DAY OF OCTOBER, 2024.

EDWARD M. MURIITHI

JUDGE

Appearances:

Mr. Sandi for the Accused.

Mr. Masila for the DPP.

