



**Republic v Njuguna Alias General (Criminal Case E040 of 2023)
[2024] KEHC 16419 (KLR) (20 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16419 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E040 OF 2023
DO CHEPKWONY, J
DECEMBER 20, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

JEREMIAH KAMAU NJUGUNA ALIAS GENERAL ACCUSED

RULING

1. On 9th May, 2024, this court delivered a ruling where the court declined to grant the Accused person release on bail and bond terms. The Accused has since filed another application being Notice of Motion dated 12th September, 2024 where he seeks this court to review its Ruling and admit him to reasonable bail and bond terms.
2. The Application is based on the grounds as set out on its face and the supporting Affidavit of Maxwell M. Njehu, his advocate, sworn on the instant date. The Application is premised on medical grounds which the Accused supported by attaching various medical reports dated 5th February, 2024 and 31st July, 2024 together prescription forms which confirm his ailment.
3. It is stated that the Accused was admitted at Kenyatta National Hospital on 31st July, 2024 where he underwent surgery with a follow up clinic on 2nd September, 2024. He further stated that the crucial witnesses in the matter have already testified and therefore there is no risk of interference by the accused person. It is also averred by counsel that once granted bail, the accused shall relocate to Nyandarua county where his family will take care of him and he therefore prays for favorable bond terms.
4. When the matter came before this court for mention on 19th December, 2024 the Accused person’s Counsel reiterated the accused’s wishes on grounds of his deteriorating health, the surgery at Kenyatta National Hospital and his usage of a catheter and urged the court to review the bond terms. The Accused person similarly urged the court to consider his poor health and grant him the orders. He also stated that he is on a special diet on the doctor’s instructions but in custody (at the remand) he is



fed on 'ugali' and 'githeri' which further compromise his health. He also stated that he has undergone training on the program 'Safari ya mfungwa'. But most importantly, the accused emphasized that he is afraid of contracting another disease and prayed for leniency of the court.

5. The prosecution Counsel, Ms. Ndeda indicated that the main reason that the court had denied the accused release on bond terms was so that the court could secure the evidence of crucial witnesses first, which has since been done. She stated that on humanitarian grounds she is not opposed to the bond terms being revised and similarly urged the court to consider the medical grounds, frequent hospital visits and current health condition of the accused in its decision.
6. The court has considered the prayer in the Notice of Motion application, the grounds raised in the supporting Affidavit sworn by counsel for the accused and the annexures which include his medical documents alongside the fact that the crucial witnesses, who are family members of the deceased being PW1, PW2 and PW3 (the brother, mother and uncle of the deceased respectively) in the case already testified on 5th June, 2024, thus there is no chance of interference by the accused.
7. Further, and most importantly, the prosecution through their counsel, M/S Ndeda is not opposed to the application for the review of and or variation of the court's ruling delivered on 9th May, 2024. Therefore, this Court allows the prayers in the Notice of Motion application dated 12th September, 2024 on the following terms:-
 - a. The ruling delivered on 9th May, 2024 is hereby reviewed and or varied and the Applicant/ Accused admitted on bond/bail terms.
 - b. The Applicant/accused may be released on a bond of Kshs.500,000/= with one surety of a similar amount.
 - c. In the alternative, the accused/Applicant to be released on cash bail of Kshs.300,000/=.
 - d. The accused person to provide particulars of surety and contact person in terms of name, identity card, place of abode/residence/occupation, relatively with accused/Applicant and security to be deposited in respect of surety.
 - e. The accused person to attend court as and whenever he is required until this case is determined.
 - f. Failure to comply with any of the above orders, the accused shall be denied release on bond/ bail terms or have his bond terms cancelled and he be remanded in custody.
 - g. Hearing on 3rd June, 2025.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 20TH DAY OF DECEMBER , 2024.

D. O. CHEPKWONY

JUDGE

