



**Republic v Barasa (Criminal Case E018 of 2023)
[2023] KEHC 24131 (KLR) (27 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 24131 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL CASE E018 OF 2023
WM MUSYOKA, J
OCTOBER 27, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

SHADRACK MOSES BARASA ACCUSED

RULING

1. When the accused took plea on 24th August 2023, the prosecution indicated that it was opposed to his being admitted to bail/bond, and that it had filed an affidavit setting out the grounds. Mr. Obimba, the Advocate on record for the accused, had not been furnished with a copy of that affidavit, and the matter was put off to another date for that reason.
2. The matter was placed before me on 12th October 2023. The parties addressed me on the issue of bail/bond.
3. Mr. Obimba argued that no evidence had been filed, and that the accused was not a flight risk, as he had no passport, and was of fixed abode, had a family and was gainfully employed. He emphasized the rights under Article 49 of the *Constitution*.
4. Ms. Chepkonga, for the Republic, said compelling reasons existed for denial of bond, based on the affidavit of the investigating officer of 24th August 2023. The accused had previous convictions. He had issued threats to his father and the deceased, about burning their house, and shortly thereafter the house of the deceased caught fire, and her body was found inside. He was said to have been rescued from a mob by the police, and his safety could not be guaranteed.
5. I have considered the submissions made by both sides, the affidavit by the investigating officer and the authorities cited. It would be best to err on the side of caution. I believe that the circumstances militate against the release of the accused on bail/bond for now, for his own good. He shall remain in custody during the duration of his trial.



**RULING DELIVERED, DATED AND SIGNED IN OPEN COURT AT BUSIA THIS 27TH DAY OF
OCTOBER 2023**

W MUSYOKA

JUDGE

Advocates

Ms. Chepkonga, instructed by the Director of Public Prosecutions, for the respondent.

Mr. Obimba, Advocate for the accused person.

