



**Republic v Muia (Criminal Case E001 of 2020)  
[2023] KEHC 23964 (KLR) (25 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23964 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MAKUENI  
CRIMINAL CASE E001 OF 2020  
TM MATHEKA, J  
OCTOBER 25, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**PETER WILLY MUIA ..... ACCUSED**

**RULING**

1. The accused person was charged with murder c/s 203 as read with s. 204 of the *Penal Code*. It was alleged that on the 11<sup>th</sup> day of September 2020 at Twando location, within Makindu Sub County of Makueni County he murdered Kimeu Mungoloti.
2. Plea was taken on the December 9, 2020 and the accused pleaded not guilty to the charge. It was substituted on 22nd April 2021 and he still pleaded not guilty
3. On the issue of bond, the PBR filed on the April 16, 2021 by PACs Makueni described him as a flight risk and bond was denied.
4. A bond review report was filed on September 13, 2023 indicated that the accused was still a flight risk and the family, especially his mother was fearful of his release as a person who had been a nuisance to the family for a long time.
5. It is unfortunate that the family seems to think that remand is a solution to the family problems that they have had with the accused person. Bond will be denied only in the circumstances that amount to compelling reasons as provided for by article 49(1)(h) the *Constitution* of Kenya 2010 which states that an accused person has the right to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.
6. Is it a compelling reason that the accused person has been a nuisance to the family in the past over other issues unrelated to the charge before the court? Definitely not. The accused person faces a specific



charge and it would be unfair for his right to liberty to be prejudiced by something that he is not aware of and which he cannot challenge. The only relevant issue is that he may be a flight risk and may not sit and wait for his case to be heard and determined. However, this can be taken care of by the availability of a surety who is aware of the risk.

7. In the circumstances the accused person is admitted to bond of Ksh 200,000 with a surety of the same amount or two sureties each of Ksh 100, 000 with a surety of the same amount.
8. Orders accordingly

**DATED SIGNED AND DELIVERED THIS 25<sup>TH</sup> DAY OF OCTOBER 2023**

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**MUMBUA T MATHEKA**

**JUDGE**

CA Mwiwa

Accused - present

Counsel for accused

For State - Ms Omollo

