



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. EO44 OF 2021

BETWEEN

REPUBLIC.....PROSECUTOR

VERSUS

JULIUS NANDABA.....ACCUSED

RULING

1. The accused was charged with the offence of murder contrary to **Section 203** as read with **Section 204** of the Penal Code. Particulars are that on the night of 1st day of August, 2021 at around 8.00 pm at *Mai-gichu* area Kikuyu sub-county he murdered one, ***Felix Akusai alias Kelvin Omutu***.

2. The accused denied the charge read out to him on 20/9/2021. The court ordered pre-bail report to be filed by probation officer is entitled to reasonable bond terms. No reasons have been raised by prosecution. The accused has two families, a wife and a child of tender years and an aging mother all of whom are depending on accused. The accused has a fixed abode and is not a flight risk and urge court to exercise discretion judiciously with respect to bail and bond.

3. The probation officer's report was filed on 10th November, 2021. Today when the matter come up for bond application, the prosecutor indicated that they are not opposed to accused being released on bond.

4. I have perused the pre-bail report and note that the accused is a Ugandan by birth and his parents live in Uganda. The report indicate that the accused has one sister in Nairobi but efforts to reach her proved futile. None of accused's family members was interviewed. Report indicate that he is married to two wives; one living in Uganda and one in Nairobi. That further, his wife in Nairobi declined to give any information concerning the accused indicating that she had known him for a few months.

5. The report further indicate that the local community did not know him well upto the time the offence is alleged to have been committed.

6. From the foregoing, it is clear that there is no one who will take responsibility of ensuring accused attends court or any information that will lead to tracing the accused in the event that he absconds.

7. It would therefore be unsafe to release the accused on bond. I therefore decline to release accused on bond.

RULING DATED AND DELIVERED AT KIAMBU THIS 24TH DAY OF JANUARY, 2022.

RACHEL NGETICH

JUDGE

Coram:

Court Assistant : Kinyua

For DPP :- Ms. GachariaX

For Accused :- Mr. Musau

Accused : Present

COURT

RULING delivered virtually.

RACHEL NGETICH

JUDGE