



REPUBLIC OF KENYA



**KENYA LAW**  
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**Republic v Kibugi (Criminal Case E061 of 2021)  
[2022] KEHC 11174 (KLR) (28 July 2022) (Ruling)**

Neutral citation: [2022] KEHC 11174 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CRIMINAL CASE E061 OF 2021  
RB NGETICH, J  
JULY 28, 2022**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**ERICK KAMAU KIBUGI ..... 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 19<sup>th</sup> October 2021 at around 0400hrs at Githurai 45 Mabrose area, Ruiru Sub-County within Kiambu County while armed with a knife murdered Mary Wanja Muiruri.
2. On 15<sup>th</sup> November 2021, the charge and its full particulars were read over to the accused. He denied the charges and a plea of not guilty was entered.
3. On 26<sup>th</sup> January 2021, Mr. Oketch for the accused applied to have the accused released on bond/bail. The state counsel Mr. Gacharia was not opposed to the accused being released on bond/bail but urged the court to call for a pre-bail report.
4. The court called for a pre-bail report. The pre-bail report was filed on 10<sup>th</sup> May 2022. The report states the accused family is not willing to deposit security for the bond. They are very bitter about the actions of the accused. The family is in fear that if the accused is released he will kill members of the family; they fear the accused is suffering from a mental illness and he declined to take any medication. The brother specifically stated that he does not wish to be involved with the accused. The cousin stated the accused had previously stabbed a neighbour and was sentenced by the Gatundu Court to serve 4 months in prison.
5. The victim's family who are relatives of the accused refer to the accused as a deviant man and they want nothing to do with the accused.



6. The area Chief states that the accused is a threat to the community; that the accused is a suspect of using hard drugs and has been threatening to kill family members.
7. On the other hand, the accused wishes to be granted a free bond and thereafter relocate to an unknown place.
8. I have perused the probation report and I do note the families of the accused who are also the victims in this case do not wish to secure release of accused on bond. The accused wishes to be granted free bail and relocate to an unknown place.
9. In view of the fact that accused has intention of going to unknown place upon being released, there are high chances that he will abscond. The relatives have clearly dissociated themselves with him and they will not be willing to assist in ensuring that accused attends court. There is likelihood of accused being flight risk. Further the area Chief has indicated that he is a threat to the community. He may not therefore be accepted by the community and it may compromise his security.
10. From the foregoing, I find that there are compelling reasons to deny accused bond.

**Final Orders:-**

11 The application for bail pending trial is hereby dismissed.

**RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KIAMBU**

**THIS 28<sup>TH</sup> DAY OF JULY, 2022**

.....  
**RACHEL NGETICH**

**JUDGE**

**In the Presence of:**

Kinyua – Court Clerk

Accused – Present

