



REPUBLIC OF KENYA



**Republic v Mbarak (Criminal Case E013 of 2022)
[2022] KEHC 12913 (KLR) (27 July 2022) (Ruling)**

Neutral citation: [2022] KEHC 12913 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE E013 OF 2022**

**A. ONG'INJO, J
JULY 27, 2022**

BETWEEN

REPUBLIC PROSECUTION

AND

MURAD AWADH MBARAK ACCUSED

RULING

1. The accused Murad Awadh Mbarak is charged with the offence of murder contrary to section 203 as read with section 204 of the *penal code*.
2. The particulars are that the accused on June 19, 2022 at Majengo in Kanamai area in Kilifi south sub-county within Kilifi county murdered Nuru Ibrahim.
3. The accused was arraigned in court and he pleaded not guilty to the charge of murder. An application for his release on bond was subsequently made. This court called for social inquiry report which was duly filed dated July 22, 2022.
4. In consideration of the pre-bail report which is unfavorable release of accused persons release on bond, I do find the orders for bail pending trial cannot be made in favour of the accused. He will remain in custody pending trial until the key witnesses testify, until circumstances on the ground are confirmed to have changed.

DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 27TH DAY OF JULY, 2022

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of:-

Ogwel- Court Assistant



Ms. Kambaga for State

Mr. Magolo J Advocate for the Accused –

No appearance for Mr. Magolo Paul hold brief

Accused – Present in person

HON. LADY JUSTICE A. ONG'INJO

JUDGE

Ms. Kambaga

The Investigating Officer is in court.

Diba Kalake c/o DCI – Mtwapa

I am aware of accused persons 2 phones which are exhibits. His ID, driving licence and wallet are in custody of the OCS. I am not aware if there was money in the wallet. I will consult the OCS & clarify.

The phones were forwarded for forensic examination. It will take about one month.

Order – Further mention – 8/09/2022 for P.C. Diba to report and confirm that statements have been supplied to defence counsel.

Hon. Lady Justice A. Ong'injo

Judge

27/7/2022

