



REPUBLIC OF KENYA



**Republic v Ondieki (Criminal Case E003 of 2022)
[2022] KEHC 15215 (KLR) (25 July 2022) (Ruling)**

Neutral citation: [2022] KEHC 15215 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
CRIMINAL CASE E003 OF 2022
SN MUTUKU, J
JULY 25, 2022**

BETWEEN

REPUBLIC PROSECUTOR

AND

NEMWEL NYARIKI ONDIEKI ACCUSED

RULING

1. This Ruling relates to an application for bail pending hearing and determination of this matter.
2. Peter Akonae is charged with murder contrary to section 203 as read with section 204 of the [Penal Code](#). The particulars of this offence show that he is accused of killing Vincent Okemwa on March 2, 2022 at Kiserian Township Kajiado West Sub-County within Kajiado County. He pleaded not guilty and is held in custody to await the trial of this case.
3. He has moved this court to admit him to bond/bail pending the hearing and determination of this case.
4. On June 27, 2022, Mr. Njagi, counsel for the accused made submissions in support of bail/bond application by the accused. Counsel submitted that bail is a constitutional right; that the accused is presumed innocent until the contrary is proved; that he is not a flight risk; that he did not attempt to escape but left Kiserian to go to his home in Kisii where he was brought up; that he is not dangerous; that there are people who can counsel him and take care of him and that he will present him to court for the trial.
5. In opposition to this application, the Prosecution is relying on a Replying Affidavit of PC Sudi Simiyu, an Investigator with Directorate of Criminal Investigations. It is deposed in that affidavit dated June 27, 2022 that accused is a flight risk; is dangerous to his own life if not closely monitored; has no gainful employment and that he may abscond due to the gravity of the offence.
6. It is deposed that the accused escaped to Kisii after committing this offence.



7. Before determining this matter, this court called for a pre-bail probation report. The Report was filed on June 23, 2022. I have read the report. It confirms that the accused went to Kisii after the vents giving rise to this case. It also confirms that the accused has suicidal tendencies. His family economic standing is challenging in the sense that no family member has offered to stand surety for him.
8. I have considered the reasons advanced for opposing bail. I note that the family of the accused has not come forward that they are willing to stand surety for him. Given that the accused attempted to harm himself, I doubt releasing him on bond without having someone take care of him is a good idea at this stage. I am therefore inclined to deny the accused bond in the meantime until he is able to present to this court someone, family member or friend who is willing to stand surety for and take care of him.
9. The application for bail/bond is hereby declined. The accused shall remain in custody to await trial.
10. Orders shall issue accordingly.

DATED, SIGNED AND DELIVERED THIS 25TH JULY, 2022.

S. N. MUTUKU

JUDGE

