



**Republic v Wako (alias Guyo Mohamud Wako) (Criminal Case
92 of 2018) [2022] KEHC 13212 (KLR) (30 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 13212 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE 92 OF 2018
EM MURIITHI, J
SEPTEMBER 30, 2022**

BETWEEN

REPUBLIC PROSECUTOR

AND

ISA MOHAMUD WAKO ACCUSED

ALIAS GUYO MOHAMUD WAKO

RULING

1. The accused was denied bail on 13/3/2019 on the two grounds of likelihood of interference with prosecution witnesses and the accused; safety not being guaranteed.
2. The accused has applied for review of bail by notice of motion dated 10/6/2022, supported by an affidavit in which he deponed that “even through my previous bond/bail application was rejected by this honourable court, the current circumstance at home and village have changed and I pray that I be granted bond pending the trial.”
3. Bail is opposed by the DPP through an affidavit of the Investigating Officer PC Maende Collins sworn on 15/7/2022, principally, on the grounds of the gravity of the offence and its heinousness, multiplicity of charges against the accused before this court and subordinate courts; likelihood of interference with witnesses and hostility of the ground raising the fear of retaliatory attack against the accuse; and that circumstances have not changed since refusal of bail.
4. The court agrees with the DPP that the circumstances obtaining at the time of refusal of bail in 2019 have not changed to warrant a review. The witnesses in this case have not been called to testify, and therefore the threat of interference still remains. On the record, it appears that despite readiness by the DPP to proceed with the witnesses the case has on two occasions on 4/10/2021, 1/2/22 -been adjourned for reason of the defence not being ready. The court observes that the accused has not been keen to proceed with her trial especially upon rejection of his plea bargain offer by the DPP on



11/11/2021. In the circumstances, the bail review application appears calculated to secure the release of the accused from his trial, and the risk of absconding is real. There added impetus in the concurrent trials.

5. Accordingly, the court finding that there still exists compelling reason in the likelihood of the accused interfering with witnesses and absconding; and there is no evidence of changed circumstances on the ground as regards the hostility of the community against the accused. Bail is declined.

DATED AND DELIVERED THIS 30TH DAY OF SEPTEMBER, 2022.

EDWARD M. MURIITHI

JUDGE

APPEARANCES:

Ms. Nandwa, Prosecution Counsel for the DPP.

Mr. Kaimenyi Advocate for the Accused.

