



**Republic v Naweet (Criminal Case E002 of 2022)
[2022] KEHC 13208 (KLR) (29 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 13208 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE E002 OF 2022
EM MURIITHI, J
SEPTEMBER 29, 2022**

BETWEEN

REPUBLIC PROSECUTOR

AND

PATRICK NAWREET ACCUSED

RULING

1. The DPP opposes bail for the accused on the grounds, principally, of overwhelming evidence against the accused and the security of the accused as “the accused person was seriously injured by members of the public and was almost lynched by members of the public before he was rescued by the area chief and police officers”. Likely interference with witnesses was also raised
2. Counsel for the victims’ family also opposes bail and urges that “it is unsafe for him and the community as he was rescued when public wanted to lynch him. It is also not fair to put responsibility on someone else to produce the accused for trial”.
3. The probation officer’s pre-bail report dated June 6, 2022 concludes as follows:

“Conclusion and recommendation

Your honour, before you, is a 48 year old family man. He has five children born of his two wives.

All his children are in school save for his first born who is at home. His immediate family depends on him for their general up keep and provision of school fees for his children.

The accused person and his family prays for this honourable court to grant him reasonable bond terms which they can afford to raise.



The local community through the area chief and village elder strongly oppose the accused person being granted bond. They argue that being released back to the community undermines public safety. The security of the victim's family and that of the witnesses in this case may be compromised. Still the community is very bitter against the accused person, hence his security is also not guaranteed. The area chief also cited a possibility of the accused person jumping bond.

The victim's family strongly opposed the accused person being granted bond by this court.

Your honour, based on the findings stated above, I don't recommend the accused person being granted bond at this time."

4. Counsel for the accused urged that the accused who is of fixed abode is not a flight risk and he is entitled to bail under the *Constitution of Kenya*.
5. Having considered the circumstances of the case, the court considers that the risk of the community taking revenge and lynching the accused when killing the subject of the murder charge herein is still fresh in the minds of the members of the community where the accused lives and its potential for further social violent descriptions is a compelling reason to deny the accused bail in the short run.
6. The accused may review the application for bail when the situation of the ground changes with cooling of emotions and closure on the part of the deceased's family and community members.
7. In the meantime, the trial shall proceed on priority basis as is policy with cases where accused person have not been released on bail.
8. The application for bail may be renewed on expiry of 90 days from today which will be about 12 months from the date of the killing subject of the murder charges.

DATED AND DELIVERED THIS 29TH DAY OF SEPTEMBER, 2022.

EDWARD M. MURIITHI

JUDGE

APPEARANCES:

Ms Nandwa, Prosecution Counsel for DPP.

Mr. Sandi, Advocate for the Accused.

Ms. Kombo with Mr. Makori Advocates for the Deceased's family.

