



REPUBLIC OF KENYA



**Republic v Machua (Criminal Case E050 of 2021)
[2022] KEHC 15703 (KLR) (17 November 2022) (Ruling)**

Neutral citation: [2022] KEHC 15703 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E050 OF 2021
RB NGETICH, J
NOVEMBER 17, 2022**

BETWEEN

REPUBLIC PROSECUTION

AND

PAUL NJOROGE MACHUA ACCUSED

RULING

1. This is a ruling seeking review of ruling declining the accused's application to be released on bond.
2. 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 29th December 2020 at Kinge'ero area in Kabete Sub-County, Kiambu County, murdered Tom Kinanta Murunya.
3. The charge and its full particulars were read over and explained to the accused on 14th October 2021. He pleaded not guilty to the charge and plea of not guilty was entered. Counsel for the accused applied for accused to be released on bond/bail.
4. The state counsel Mr. Kasyoka opposed bond/bail application on the ground that the accused is a flight risk and likely to abscond bail. The court called for a pre-bail report from the probation officer.
5. On 10th February 2022 court delivered its ruling on bond application declining to grant the accused bail on ground that he went into hiding after the commissioning of the act and the court was not convinced the accused would avail himself to court if released on bail.
6. The accused filed an application dated 18th May 2022, seeking the review of bond on the ground that he has been in custody for almost one (1) year and his continued incarceration has caused his young family to disintegrate.
7. In response, the prosecution chose to rely on the earlier affidavit filed and the pre-bail report.



Analysis and Determination

8. I have considered accused's application seeking to review court's decision to deny him bond. My expectation was for the accused to demonstrate that circumstances have changed since the delivery of the said ruling.
9. The prosecution relied on the replying affidavit previously filed. I note that only three (3) prosecution witnesses have testified and the Investigating Officer was apprehensive the accused if released on bond, accused will interfere with the witnesses and there are high chances that he will abscond in view of the fact that he went into hiding for eight (8) months after occurrence of the offence.
10. In view of the fact that this court has not been shown that compelling reasons earlier demonstrated by prosecution have not changed, I decline to review the ruling delivered 10th February 2022.

Final Orders:-

1. Application dated 18th May, 2022 is hereby dismissed.
2. The case to proceed on priority basis.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KIAMBU THIS 17TH DAY OF NOVEMBER, 2022.

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RACHEL NGETICH

JUDGE

In the Presence of:

Kinyua/Martin – Court Assistant

Mr. Kasyoka for State

