



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Morara (Criminal Case E057 of 2021)
[2022] KEHC 15673 (KLR) (17 November 2022) (Ruling)**

Neutral citation: [2022] KEHC 15673 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E057 OF 2021
RB NGETICH, J
NOVEMBER 17, 2022**

BETWEEN

REPUBLIC PROSECUTION

AND

PAUL MAGARA MORARA ACCUSED

RULING

1. The accused was charged with the offence of murder contrary to section 203 as read together with section 204 of the [Penal Code](#). Particulars are that on December 22, 2020 at Gitambaya Location, Ruiru sub-county within Kiambu county, murdered Jasmin Cheronno Martim.
2. The charge and its particulars were read over to the accused on November 8, 2021. The accused pleaded not guilty and a plea of not guilty was entered. Counsel for the accused Mr. Ajulu filed application on December 17, 2021 seeking to have the accused be released on reasonable bail terms.
3. The state counsel Mr. Gacharia opposed the application by filing an affidavit sworn by CPL Zablon Atubwa. The ground cited is that the accused is a serial offender with numerous capital offences. Cases listed include Kiambu criminal case No E060 of 2021 charged with offence of Murder, Ruiru Cmcc No. E2827/2021, Ruiru Cmcc no. 2980 of 2021 and Ruiru Cmcc no. E2826 of 2021 offence of robbery with violence. Further that the accused is a risk flight with no fixed abode and is likely to abscond court if released on bond. The court called for a pre-bail report to be filed.
4. I have considered the application and averments in affidavit sworn by the investigating officer.
5. From averments by the investigating officer, the accused is facing other capital offences and they are apprehensive, if he is granted bond the accused who has no fixed abode is a flight risk.



6. Under article 49 (1) (h) of the Constitution of Kenya 2010. Article 49(1)(h) of the Constitution provides as follows:-

“ An accused person has the right ...

(h) to be released on bond or bail, on reasonable conditions pending a charge or trial, unless there are compelling reasons not to be released.”

7. There is no doubt that the prosecution have provided compelling reasons to warrant denying accused bond.

8. Final orders:-

1. The bail application dated December 17, 2021 is dismissed.
2. Accused to remain in custody till conclusion of this case.
3. Hearing date to be fixed 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

Accused – Present

