



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

CRIMINAL CASE NO. 52 OF 2019

REPUBLIC.....DPP

VERSUS

SELAPHINA WANJIKU UKABI.....ACCUSED

R U L I N G

1. **Selaphina Wanjiku Ukabi** (the accused) who is waiting for her trial on a murder charge to commence was on 1st July 2020 granted by this court bond pending her trial of Ksh 500,000 with one surety of like amount. On 8th February 2021 the accused applied for revision of her bond terms. She stated that she was unable to meet the bond terms and yet she had a six-year-old child who needed her attention.

2. I can confirm that the probation report, in the court file, prepared in March 2020 does show that the accused has a six-year-old daughter MG who attends [particulars withheld] primary school.

3. Whereas the accused may be missing her said child and hence why she most probably seeks revision of her band terms, the fact is that the child is not in need of care because she is with her father, the accused's husband. Indeed the probation officer stated that the child is attending school.

4. It needs to be borne in mind by the accused that she is facing a very serious charge. The bond terms must reflect the gravity of the offence the accused faces. This was made clear in the case **Republic –v- Robert Zippor Nzilu (2018) eKLR** where the court considered the gravity of the charge when determining an application for bail as follows:

“10. Gravity of the offence as a consideration was appreciated by Mboghli Msagha, J in Criminal Application No. 319 of 2002 Priscilla Jemutai Kolonge vs. Republic (unreported) at page 3, wherein he held as follows:

“However, the nature of the charge or offence and the seriousness of the punishment if the applicant is found guilty must be considered in applications of this nature. I subscribe to the observation that where the charge against the accused is more serious and punishment heavy, there are more probabilities and incentive to abscond, whereas in case of minor offences, there may be no such incentive.”

5. Bearing in mind therefore, that the accused young child is not in need of care, she is well taken care of by her father, and because the accused is facing a serious charge whose maximum sentence is death the terms of her bond are lenient and this court declines revision of the same.

6. The application to revise the bond terms is dismissed.

SIGNED AND DELIVERED VIRTUALLY THIS 11TH DAY OF FEBRUARY 2021.

MARY KASANGO

JUDGE

11th February 2020

Before Justice Mary Kasango

C/A - Kevin

Accused – Selaphina Wanjiku Ukabi - Present

For the Applicant – Miss Njoroge Holding Brief Miss Kinyua

For DPP – Miss Kathambi

COURT

Ruling virtually delivered in their presence.

MARY KASANGO

JUDGE