



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

MILIMANI LAW COURTS CRIMINAL DIVISION

CRIMINAL CASE EO23 OF 2020

KEVIN NJOROGE MUNGAL.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1.Pursuant to the order of the court in the ruling delivered on; 19th April 2021, the court has received a pre-bail report dated 3rd June 2021, prepared by the Probation Department. I have gone through the same and I note that, first and foremost, the report does not support the release of the accused on bond. From the content thereof, the following issues clearly come out;

a)That the relationship between the accused and the father is “sour.”

b)That, when the mother was interviewed, she was hesitant to commit herself to post surety for the accused but later agreed to deposit title to one of her properties;

c)That, the police reported that while at the Police Station, the accused was very abrasive to the parents and lacked respect for them;

d)That, he hails from the same area with the victims and can interfere with them;

e)He should be handled cautiously as he holds an illegal firearm which is an indication that he can access firearms;

f)That, the Area Chief acknowledged that, the accused’s character prior to committing crime was not good, though he may have reformed after incarceration;

g)That, before the accused’s arrest, he was estranged from his wife due to aggression towards her;

h)That, prior to his arrest, he stayed on his own in a rental house in Zimmerman but lost abode. upon arrest;

i)That, inquiries revealed that, he was using bhang prior to his arrest;

j)That, during the interview, he reported that, he had never been in contravention with the law, except traffic offence. However, inquiries revealed that, he has an on-going matter before the Chief Magistrate’s Court at Makadara, vide number 2027 of 2019, where he is charged with the offence of assault and has been released on cash bail Kshs 20,000; and

k)That, the father of the deceased fears that, if the accused is released on bond, the family will not be safe, further, due to severity of sentence for the offence, the accused will flee the trial process.

2. I find from the aforesaid that, the character of the accused is wanting and further, he seems to have lost his fixed place of abode and, if released on bond, he may not have a place of abode. He is likely not to relocate to rural set up and he will definitely travel to Nairobi to find a job to earn a living. He will not be staying with the mother at home. He wasn't anyway. The estranged wife will not accommodate him. He will therefore stay on his own, and there may be a challenge to ensure he attends court or trace him if he absconds. In that case, I am inclined to and hereby decline to grant him bond as of now.

It is so ordered.

DATED, DELIVERED VIRTUALLY AND SIGNED ON THIS 28TH DAY OF JUNE, 2021.

GRACE L. NZIOKA

JUDGE

In the presence of:

Ms Ndombi for Ms Ogweno the State

Mr Wakaba for the accused

Accused present in person

Edwin Ombuna - Court Assistant