



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL CASE NO. E018 OF 2021

REPUBLIC.....PROSECUTOR

VERSUS

ROBERT WALIAULA KINISU.....ACCUSED

RULING

1. The accused-Robert Waliaula Kinisu, is charged with murder contrary to section 203 as read with section 204 of the Penal Code.
2. The particulars are that the accused on unknown date and time, between the 3rd and 6th of May, 2021 at Marina Area within Mutwapa Township in Kilifi County murdered Jackline Ngina Kitheka.
3. The accused person pleaded not guilty and the prosecution filed an affidavit of compelling reasons why he should not be released on bond.
4. Directions were taken that the accused person's advocate files a Replying Affidavit in response to the Affidavit opposing bond and a pre-bail report was also called for.
5. On 5th of October, 2021, the defence counsel had not yet filed a Replying Affidavit. The pre-bail Report was however filed on 20th of September, 2021.
6. The social inquiry report filed by Raphael W. Njunguna-Principal Probation Officer, confirms the averments by the investigating officer-PC Diba Halake, that the accused person had previously been charged with the offence of robbery with violence and sentenced to death in 2018 before being acquitted on appeal in 2019.
7. From the statement annexed to the investigating officer's affidavit, it is confirmed that the witness therein was being dissuaded by the accused from attending to the investigations herein. It is the considered view of this court that it would be prudent that the issue of the accused person's release on bond be re-visited after the said witness has testified so as to ensure that the accused person does not interfere with her in any way.
8. The accused person shall therefore be remanded in custody during his trial and until further Orders of this court or until circumstances change in which case he can apply for review of these Orders.

JUDGMENT DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 28TH DAY OF OCTOBER 2021

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of:-

Ogwel – Court Assistant

Accused present in person

Mr. Mwanzia Advocate for accused

Mr. Mulamula for state

Mr. Muganda hold brief for victims family

HON. LADY JUSTICE

A. ONG'INJO JUDGE