



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL CASE NO. E020 OF 2021

REPUBLIC.....PROSECUTOR

VERSUS

HAMISI HORRES LENGA alias BOOSHO.....ACCUSED

R U L I N G

1. The Accused persons, HAMISI HORRES LENGA alias BOOSHO, is accused with the offence of murder contrary to Section 203 as read with Section 204 of the penal code.
2. Particulars are that Hamisi Horres Lenga alias Boosho on the 8th day of May 2021 Four Farm area within Majengo Kanamai area within Kilifi South Sub County within Kilifi County murdered Alice Kabibi Katana. Accused pleaded not guilty to the offence of murder and pre-bail report was called for by the court.
3. Prebail report dated 7/10/2021 was filed on 7/10/2021. It was established that accused didn't have sufficient social support mechanisms and his chances of adherence to court orders and court attendances appeared minimal in the event he's released on bond as there was no willingness and support from the community or family. The accused persons family members did not show interest in bailing him out.
4. The probation officer however said that accused is not a flight risk as he has steady place of residence and he stays together with his family. The probation officer didn't interview the victim's family and we therefore have no indication they would object to release of accused on bond. The fact that accused persons close family members have not shown interest of bailing him out does not stop his friends to bail him out.
5. In the circumstances this court finds that in absence of compelling reasons to deny accused persons bond him may be released on bond of Kshs.500,000/= with surety of a similar amount.

DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 19TH DAY OF OCTOBER 2021

HON. LADY JUSTICE A. ONG'INJO

JUDGE

IN THE PRESENCE OF:-

Ogwel- Court Assistant

MR. MULAMULA FOR STATE

MS. NABWANA ADVOCATE FOR ACCUSED – NO APPEARANCE

ACCUSED – PRESENT IN PERSON

HON. LADY JUSTICE A. ONG'INJO J

ORDER: 9/11/2021 - NOTICE TO MS. NAMBWANA ADVOCATE

HON. LADY JUSTICE A. ONGI'NJO

JUDGE