

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO. 15 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

ANTHONY KIMANI CHEGE.....ACCUSED

RULING

1. The accused prays for bail pending trial.
2. His learned counsel, *Mr. Waweru*, submitted that there are no compelling reasons for denial of bail.
3. The Director of Public Prosecutions opposed the application. Reliance was placed on the pre-bail report dated 17th September 2019.
4. The accused faces the grave charge of *murder*. The Director of Public Prosecutions informs the High Court that on the night of 7th and 8th July 2019 at Kandundu Shopping Centre within Murang'a County he murdered *Margaret Waithira Kamau*.
5. He is presumed *innocent* at this moment. Under **Article 49 (1) (h)** of the **Constitution**, he is entitled to bail *unless* there be *compelling* circumstances. The overarching objective of bail is to ensure the accused *attends* trial. See *Muraguri v Republic* [1989] KLR 181.
6. I find that the accused is undeserving of bail for four reasons. Firstly, a number of the witnesses listed on the reverse side of the Information are close family members of the accused including his wife and children. The likelihood of interference with witnesses is thus not far-fetched. Secondly, the family of the victim has expressed reservations that the accused may harm them or intimidate them from giving evidence. Thirdly, the community and local administration are opposed to his release as his safety cannot be guaranteed. From the pre-bail report, there is still palpable anger at the *locus in quo*. Fourthly, the family of the victim is angst about the homicide and strenuously opposes his release.
7. All those are strong and *compelling* reasons for denial of bail. Bail is *refused*.

It is so ordered.

DATED, SIGNED and DELIVERED at MURANG'A this 26th day of March 2020.

KANYI KIMONDO

JUDGE

Ruling read in chambers in the presence of-

Accused absent in line with NCAJ's Covid-19 pandemic guidelines of 15/3/2020.

No appearance by counsel for the accused.

No appearance by counsel for the Republic.

Ms. Dorcas, Court Assistant.