



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MERU**

**CRIMINAL CASE NO. 46 OF 2018**

**REPUBLIC.....PROSECUTOR**

**-VS-**

**MICHEAL MUTWIRI M' NGARUTHI.....ACCUSED PERSON**

**RULING**

[1] The accused persons is charged with the offence of murder contrary to section 203 as read with section 204 of the penal code Cap 63 of the Laws of Kenya. The accused person has sought to be released on bail pending the hearing and determination of this case.

[2] The Probation officer has filed a pre-bail report on 12<sup>th</sup> July 2018 in relation to the accused person. In the report, the victim's family and that of the accused are still opposed to them being released from custody. They opine that the same will endanger their lives and that the Community is still charged with anger over the offence hence chances of revenge are still high. Both the victim and his family state that the accused person is still a threat to them.

[3] The accused persons also are of no known fixed abode at this time. The only indication is of there being premises in his family land measuring one (1) acre but which has no title.

[4] In the circumstances, I am therefore convinced that there is still high likelihood of the accused persons interfering with the witnesses and/or absconding since he does not have a fixed abode.

[5] Accordingly the accused person's application for bail is hereby rejected. The accused persons will remain in custody until this case is heard.

**Dated, signed and delivered in open court at Meru this 28<sup>th</sup> day of January, 2019**

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**F. GIKONYO**

**JUDGE**

In presence of:-

Namiti for state

Thangicia for accused – absent

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**F. GIKONYO**

**JUDGE**