



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**CRIMINAL CASE NO.62 OF 2017**

**REPUBLIC ..... PROSECUTION**

**VS**

**SAMUEL M'NABEA..... ACCUSED**

**RULING ON BOND**

The accused herein Samuel M'Nabea faces a charge of Murder contrary to Section 203 as read with section 204 of the penal code, particulars of the offence are that on the 27<sup>th</sup> May 2017, at Miuine Village Antuambui Sub-location location in Igembe North S/County within Meru County jointly with Timothy Michubu M'Mwira accused in CR. CC.No. 42 of 2017 murdered Elijah Michubu.

This court called for accused persons Pre-bail Report and same was filed on 13<sup>th</sup> September 2017. The Pre-bail Report is detailed and finds accused unsuitable specifically because upon the offence herein being committed he went underground and only resurfaced months later and as such is a flight risk. The report also reveals that the accused has past criminal record where he is suspected of having committed robbery and killed his victims in 2 instances by waylaying them.

In consideration of the fact that it has been pointed out accused is a flight risk and in consideration of the threats by the deceased persons family members to avenge the death of their kin if accused Samuel M'Nabea is released this court declines to grant him bond and like his co-accused he will remain in custody while facing trial. This court will endeavour to expedite the trial putting into consideration its workload to avoid accused person long incarceration.

**HON. A.ONG'INJO**

**JUDGE**

**RULING DELIVERED, DATED AND SIGNED IN COURT ON**

**22<sup>ND</sup> FEBRUARY 2018.**

**In the presence of:**

Accused: A1 – Present in person

A2 – Present in person

State: Mrs Mwathi for state. Hearing 4.7.2018 – Notice to defence counsels by DR

**HON. A.ONG'INJO**

**JUDGE**