



**REPUBLIC OF KENYA**

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

**CRIMINAL DIVISION**

**HIGH COURT CRIMINAL CASE NO 93 OF 2018**

**REPUBLIC.....DPP**

**VERSUS**

**TIMOTHY MBOROKI.....ACCUSED**

**RULING ON BOND**

1. The plea was taken on 22/10/2018 the accused having been first presented in court on 15/10/2018. The prosecution was given 24 days to file an affidavit giving reasons why accused should not be granted bond/bail. It has failed because a public officer maintained by public funds cannot transmit a duplicate file from Meru Police station to the DPP a distance of barely 600m away for 36 days. The prosecution has the tenacity to ask for more time.
2. That conduct by the police is deplorable unacceptable and raises questions about either their bona fides if not competence.
3. As regards the probation officer, no reasons have been given why the pre bail report is not ready for that office not to carry out the background checkup for 36 days on the accused whose home is barely 2 km away, speaks volumes.
4. This court will not be party to the lithergic conduct of the prosecution and probation office. Justice delayed is justice denied. The accused is entitled to the protection of his right to bail under Article 49 of the Constitution of Kenya. He states that he has permanent abode within Meru Town. He is a retired pastor.
5. There is no compelling reasons why he should not be released on bail. I grant the accused personal bond of Kshs. 200,000/= with a surety of a similar amount or cash bail of Kshs. 100,000/=
6. Mention on 18/03/2018 to give a date for trial.

**A. MABEYA**

**JUDGE**

**28/11/2018**