



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
HIGH COURT CRIMINAL CASE NO 110 OF 2015

REPUBLICPROSECUTOR

VERSUS

STANLEY KAMAU NTUMBIACCUSED

RULING

1. By a Ruling dated 23rd June, 2016 denying the applicant bond, the Court had this to say:-

“10. It must be pointed out that at the time of this ruling I had heard the evidence of three (3) prosecution witnesses and what has come out so far is that the accused and the deceased were staying in the same area and that those who are and shall be prosecution witnesses are well known to the accused person having been with both the accused and the deceased.

11. I have taken into account the ages of the intended witnesses from the evidence of PW3 and is of the considered view and hold that if released on bond at this stage, the accused presence is likely to lead to either direct or indirect interference with potential witnesses. I have also taken into account the conduct of the accused more in particular. the fact that he disappeared and was at large for over one year. (Emphasis added)

12. By reasons of the matters stated herein, I find that the prosecution has advanced adequate compelling reasons to enable the court deny the accused his constitutional right to bond at this stage. The accused shall remain in custody and shall be at liberty to review his bond application once all the civilian witnesses from Dandora area have testified.”

2. On 25/1/2017 upon hearing the evidence of PW8 Dr. Oduor, the applicant through his advocate on record made an oral application for Review of the bond application which application was fixed for hearing on 7/2/17 when it was submitted by Mr. Chiuri that bond was denied on the basis that the accused will interfere with witnesses known to him and that the said witnesses had since testified and further that the accused had not gone into hiding before his arrest.

3. On behalf of the prosecution, Miss Mwaniki opposed the application and submitted that the accused had disappeared for a period of one year which was independently confirmed by the pre-bail report making him a flight risk and further that the evidence against the same was very strong.

4. The only issue for determination is whether the circumstances upon which the accused was denied bond have since so changed to enable the court review the order denying him bond. It must be pointed out that so far eight prosecution witnesses have testified but there has not been any indication whether all

the civilian witnesses from Dandora have testified. Further the accused has not dislodged the court finding as a fact that the same disappeared and was at large for a period of over one year.

5. I therefore find and hold that the circumstances as at 23rd day of June, 2016 have not changed to enable me review my order herein denying the accused bond.

6. The accused shall now remain in custody until final determination of this cause.

DATED, DELIVERED and SIGNED at Nairobi this 23rd day of February, 2017

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J. WAKIAGA

JUDGE

In the presence of:-

Miss Kinoti for the state

Mr. Muchemi for Chiuri for the accused

Accused present

Paul court clerk