



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU
CRIMINAL CASE NO.40 OF 2017
REPUBLIC.....PROSECUTION
VS
PAUL KAILEMIA NGEERE ALIAS ALQAEDA.....ACCUSED
RULING ON BOND

Paul Kailemia Ngeera alias Alqaeda was charged with the offence of murder contrary to section 203 as read with section 204 of the penal code cap 63 Laws of Kenya.

The particulars are that Pal Kailemia Ngeera alias Alqaeda on the 19th day of August 2016 at Ntulele Sub location, Buuri location in Tigania East Sub County within Meru County jointly with others before court murdered George Kauyuri.

When accused was arraigned in court for plea, he pleaded not guilty and his counsel Mr Igweta applied for his release on bond as a constitutional right.

The court called for Pre –bail Report which was availed on 1st day of August 2017 and same showed that accused was not suitable for release on bond for reasons that he has history of criminal behaviour; the deceased family members were opposed to his release as they claim he is a risk to them and a flight risk; that accused person went into hiding after committing offence and was only arrested months later.

The Local administration was totally against release of the accused as he was a threat to himself and the community and he might face the wrath of the community if he is seen in the area as they were still bitter with him for what happened.

I have noted that offence was committed on 19th August 2016 and accused was only arraigned in court only on 6th June 2017 and the finding by Probation Officer during social inquiry that accused escaped after committing offence is explained by the long period taken before being brought to court.

The accused person and his relatives who are interested in having him released have not given an explanation for the long absence.

In the circumstances I do find that there are compelling reasons why accused should not be released on bond pending trial. The matter should therefore be set down for hearing expeditiously to determine it to avoid having accused in remand for unnecessarily long period of time.

Those are orders of this court.

Ruling Signed, Delivered and Dated this 21st Day of September 2017.

HON. A.ONG'INJO

JUDGE

In the presence of:

C/A : Penina

Accused:- Present in Person.

Mr Mwanzia Advocate for accused N/A

Mr Igweta Advocate for Accused N/A

Mrs Mwathi for state - Present

Respondent:-

HON. A.ONG'INJO

JUDGE

Order

Mention on 3/11/2017 to confirm statements supplied and Hearing date

HON. A.ONG'INJO JUDGE

21.9.2017