

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CRIMINAL CASE NO. 48 OF 2014

LILIAN MWIRIGI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

This is a second application for bond, the first one having been rejected by this court on 4th May 2015. In rejecting the said application, the court observed *inter alia* that the prosecution witnesses were well known to the accused person, the accused being their mother and that, there was a possibility of revenge attacks from the community, should the accused person be released.

Nothing has changed since the said application for bond was rejected as none of the witnesses have testified. Similarly, it is apparent from the probation report that the safety of the accused person cannot be guaranteed as there is a high possibility of a revenge attack against accused. From the pre bail report, even her own daughter said that should the accused person be released on bond, she would need to relocate for her own security. Likewise, the sentiments expressed in the initial pre bail report filed in court on 10th March 2015 remain the same to those expressed in the pre bail report filed in court on 22nd February 2016 in respect of the instant application. Consequently nothing has changed since the said application was rejected.

In exercise of this court's discretion however, the court will direct that the key witness being accused's children be given a chance to testify, then accused can be granted bond. However, before the bond is so granted, accused must disclose to the court where she is likely to relocate to, away from the matrimonial home. For now, the court will give a hearing date for the key witness, accused's children then adjourn for hearing of the other witnesses.

DATED, SIGNED AND DELIVERED THIS 25TH DAY OF FEBRUARY, 2016.

R.P.V.WENDOH

JUDGE

25/2/2016

PRESENT:

Mr. Musyoka for State

Mr. Ntarangwi Holding Brief for Mr. Kiogora for Accused

Ibrahim/Peninah, Court Assistants