

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

CRIMINAL CASE NO. 22 OF 2015

REPUBLICPROSECUTION

VERSUS

ISAAC KARIUKI KITHINJI.....ACCUSED

RULING

1. Counsel for the accused has re-applied for bail pending trial in respect of murder contrary to Section 204 as read with section 203 of Penal Code (Cap 63) Laws of Kenya. I had dismissed his application on bail pending trial in respect of the same offence on 7th December 2015.
2. The basis of his renewed application according to his counsel is that the applicant/accused now understands the consequences of his actions if he does not abide by the terms to be imposed by the court.
3. Counsel for the prosecution has opposed his application for bail. She submitted that the accused/applicant is likely to threaten witnesses some of whom have not testified.
4. I have reconsidered the application in the light of the applicable law in particular Article 49 (6) of the 2010 Constitution of Kenya. I have come to the conclusion that the issue of threatening witnesses is a compelling reason which disentitles the grant of bail to the accused/applicant.
5. In the circumstance, I hereby refuse his renewed application for release on bail/bond pending hearing and determination of his trial in respect of the murder charge.

RULING DATED, SIGNED and DELIVERED in open court at **EMBU** this **30th** day of **JUNE .2016**

In the presence of Ms Mbae for state and Ms Muriuki for accused

Court clerk Njue

J.M BWONWONGA

JUDGE

30.06.16