

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MURANG'A
CRIMINAL CASE NO 8 OF 2014

PETER NG'ANG'A KAMAU.....ACCUSED

VERSUS

REPUBLIC.....PROSECUTOR

R U L I N G

1. By a ruling dated and delivered on 21/11/2014, this court (Waweru, J) refused the Accused person's application to be admitted to bail pending his trial. In doing so the court stated –

“In these circumstances I consider that there is a real flight risk should the Accused person be released on bail. That is a compelling reason not to release him. The fact that there are other suspects who are still at large is an added risk.”

2. The accused has again applied by **notice of motion dated 13/10/2015** to be admitted to bail pending conclusion of his trial. The grounds for this second application are –

i. That the trial has proceeded considerably and that therefore there is no likelihood of interference with witnesses.

ii. That he has a home and family and is not likely to abscond.

iii. That he is willing to abide by such terms as the court might set.

3. In his supporting affidavit the Accused has deponed at paragraph 6, in effect, that he never went underground after commission of the alleged offence and was all the time at Kitengela where he was carrying on business, and not hiding.

4. The issue of whether or not the Accused was a flight risk was canvassed fully at the hearing of the Accused's first application for bail. This court ruled that he was indeed a flight risk and refused him bail. Nothing has changed to alter that position. Nothing new has been placed before the court as would entitle it to depart from its earlier finding. I also note that the Accused's trial is now quite advanced.

5. This new application is without merit and is hereby dismissed. It is so ordered.

DATED AND SIGNED AT MURANG'A ON THIS 23RD DAY OF JUNE 2016

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 24TH DAY OF JUNE 2016