

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU
CRIMINAL CASE NO. 33 OF 2013

LESIIT, J

REPUBLIC

V E R S U S

JAPHET KOBIA ALIAS KARWAMBA.....1ST ACCUSED

JAMES KIUNGA.....2ND ACCUSED

GODFREY KARAURI.....3RD ACCUSED

RULING

1. The three accused persons are charged with murder contrary to section 203 of the Penal Code. They have applied to be released on bail pending their trial. There is a formal application dated 2nd April 2014.
2. There are three grounds are cited in support of the application
3. The Application is supported by an affidavit sworn by Mr. Igweta Muriithi Advocate to the accused persons in which he deposes that the accused persons will attend court and abide by the bond terms once released on bond.
4. The State has filed a replying affidavit which is sworn by PC Bernard Korir the Investigating Officer dated 14th May, 2014. In it bail is opposed for reasons, inter alia, the deceased murder was brutal and that the incident was still fresh in the minds of members of the deceased family. He also deposes that since witnesses and accused come from the same place, they are likely to interfere with the witnesses.
5. I have considered the circumstances in which the deceased died. I agree with the Investigating Officer that deceased died of injuries inflicted in a very brutal manner. The events of the incident must be traumatizing. The incident took place five months ago. That is quite recent given the fact a human life was lost.
6. It is my view that releasing the accused persons on bail at this time will send a wrong message especially to the deceased family and witnesses in this case. That act alone can cause panic and serve as intimidation especially to potential witnesses.
7. I have come to the conclusion that there are compelling reasons not to grant the accused persons on bond. In the circumstances I decline to grant bail or bond to the accused persons and instead dismiss their application in total.

DATED SIGNED AND DELIVERED THIS 29TH DAY OF MAY 2014

LESIIT J

JUDGE