

REPUBLIC OF KENYA

High Court at Meru

Criminal Case 18 of 2013

REPUBLIC.....PROSECUTOR

VERSUS

ROYFORD KIRIMI MBUBA.....ACCUSED

RULING

This is an application for bail/bond pending trial. It was made on behalf of the accused by Mr. Mugo Advocate. The counsel urged that the accused person is an Administration Police Officer and that he was unlikely to abscond. He submitted that the accused was ready to abide by the terms given by the court and that he was keen to have the matter heard fully so that he does not lose his job.

The State was represented by Mr. Moses Mungai, the learned State Counsel. Mr. Mungai submitted that the State was not opposed to bail. He said that the Investigating Officer advised him that the accused was an Administration Police. Counsel submitted that the accused was arrested at his place of work a month after the incident. Counsel urged that there are no exceptional circumstances to oppose bail.

I have carefully considered this application and the submissions by both counsels. The accused is facing a charge of murder. He was arrested this year for this offence which happened in December last year. There is no pre-bail report and given the fact that the accused is a Police Officer and that the incident happened where he is deployed, a home report would not have been helpful in the circumstances.

I have considered that the accused person is a Police Officer and the fact that this incident occurred at a bar where he was drinking. It was not therefore, an incident that occurred in the cause of his official duty. According to the Arresting Officers statement the accused went into hiding after this incident contrary to the State Counsel's submissions. It is my view that because the incident is still very fresh in the minds of all parties involved; and given the circumstances that it occurred in a public place during a drinking spree it is my view that it is not advisable to consider this application for bail at this stage as it may send the wrong message to the potential witnesses and to the relatives of the victim. They may think that the serious circumstances of the incident had either been overlooked or trashed by the court.

In all the circumstances of this case I find it will not be proper to grant bail now. I decline to grant bail to the accused person. That does not stop him from renewing this application at a later stage of this case..

SIGNED AND DELIVERED AT MERU THIS 14TH DAY OF MARCH , 2013.

J. LESIIT

JUDGE