



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CRIMINAL CASE NO.23 OF 2013

REPUBLIC.....RESPONDENT

VERSUS

JOHN MUGANDA CHARASI.....ACCUSED/APPLICANT

RULING

The accused **John Muganda Chavasi** is charged with the murder of Briton Okutoi Chavasi. He is alleged to have committed the offence on 6th January 2013 at Kawangware 56 area within Nairobi County. He was arraigned in court on 19th February 2013 when he pleaded not guilty and was remanded in custody.

On 20th March 2013, he filed the instant application dated 18th March 2013 seeking to be released on bail. He has stated in his application *inter alia* that he will attend court and will not interfere with witnesses.

The application is opposed by the State through the Replying affidavit of **Inspector Kiplagat** of Muthangari Police Station. In the affidavit he avers that the applicant was likely to abscond since he failed to report the offence when it occurred but instead fled to his rural home.

At the hearing of the application on 3rd July 2013 I heard submissions from **Mr. Oundu** and **Mr. Konga** for the applicant and respondent respectively. I also called for and considered a pre-bail report in respect of the applicant.

Having considered the rival affidavits and submissions, it is apparent to me that the State opposes the application because of the likelihood of the applicant absconding. He is considered a flight risk for the reason that he did not report the offence but instead fled to his rural home from where he was arrested. It is not however stated in the affidavit when and where the applicant was arrested. I find that there is nothing in the replying affidavit or in the submissions of the respondent's counsel which demonstrate the real likelihood that the applicant will abscond. I also find no demonstrated likelihood of interference with witnesses. I therefore must dismiss the respondent's fears as no concrete basis has been laid for the same.

Consequently, I find no compelling reasons to warrant denial of bail. The applicant shall be released on the following terms:-

- i. He shall execute a bond of Kshs.1,000,000/- with two sureties of like amount.
- ii. He shall report to the Muthangari Police Station once every 2 weeks until further orders of this court.

- iii. He shall not leave the jurisdiction of this court without leave of the court.
- iv. He shall attend the mention of his case once every month. The first of such mention shall be on 31st October, 2013.

Ruling delivered, dated and signed at Nairobi this 25th day of September, 2013

R. LAGAT - KORIR

JUDGE

In the presence of:

-: Court clerk
-: Applicant
-: For the accused/applicant
-: For the state/respondent