



REPUBLIC OF KENYA



**Republic v Karanja (Criminal Case E007 of 2025)
[2025] KEHC 3089 (KLR) (11 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3089 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT THIKA
CRIMINAL CASE E007 OF 2025
FN MUCHEMI, J
MARCH 11, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

PATRICK KAGUNDA KARANJA ACCUSED

RULING

1. The defence orally applied for bail/bond to be granted to the accused person herein on reasonable terms. It was said that the accused is a pastor and that he lives with his family being a wife and daughter in his home and as such he is not a flight risk. The defence also said the accused is ready to go home if he is released on bail because the ground is not hostile.
2. The defence also touched on the nature of the evidence to be adduced in this case referring to it as purely circumstantial. This was based on some of the witness statements in possession of the defence in that the body of the deceased was found in the home compound of the accused. It is not in dispute that the accused has been in police remand for 20 days since 5th February, 2025.
3. The prosecution said they have not filed an affidavit of compelling reasons because the investigating officer has not been traced for the better part of the day when this application was being heard. The reasons for opposing bail were precisely, that on the ground, the community is hostile and the accused if released is likely to be harmed. Secondly, that the accused is likely to interfere with witnesses.

Article 49(i) (h) of the *constitution* provides that an arrested/accused person has a right to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released”

4. It was submitted by the defence, which was not denied that the accused has been in police custody for about 20 days. It is not an arguable case for the prosecution not to have put in place their reasons for opposing bail or bond in an affidavit if they had intended to oppose the application for bail.



5. The first reason given for opposing bails according to the prosecution is that the local community is still emotional and hostile against the accused due to the act of ending the life of the deceased. In my view, the state has the duty to provide security for its citizens irrespective of whether one is an accused person or a free citizen or even holding a position of authority. The accused herein would be entitled to security from the state from any hostile neighbours who may attempt to take law into their hands just like any other person. The accused is also capable of taking care of himself if such a hostile attitude exists, for example, by reporting the threats to the relevant authorities for action.
6. As for interfering with witnesses who are said to be known by the accused, the prosecution have not presented any evidence of any witnesses likely to be interfered with. As the defence put it, the state has machinery of protecting witnesses who may be in danger under the Witnesses Protection Act.
7. If the prosecution are serious on this issue, they ought to have obtained affidavits from the witnesses concerned to present them before the court. The accused has been in custody since his arrest and it was not intimated that he sent any phone message or emissaries to the said witnesses issuing any threats. In my considered view, these allegations are just speculative with no evidence in support.
8. I have considered the reasons given in opposing bail. The test of compelling reasons is that the reasons must be so forceful, sound and convincing to the court for it to be accepted as capable of denying the accused of his constitutional right to bail.
9. The accused is innocent until proven guilty. As such, he ought to be allowed to enjoy his constitutional rights as he awaits disposal of his case. The paramount purpose of bond/bail is for the court to ensure the accused enjoy his constitutional right and freedom and also attend court when required.
10. I am of the considered view that the prosecution have failed to demonstrate any compelling reasons so as to deny the accused bond/ bail.
11. The application for bail is hereby allowed in the following terms: -
 - a. That the accused shall be released on bond of Kshs.2,000,000/- with one surety of a like amount.
 - b. That he shall not leave the jurisdiction of this court without its permission.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT THIKA THIS 11TH DAY OF MARCH 2025.

F. MUCHEMI

JUDGE

