



REPUBLIC OF KENYA



**Republic v Kimuyu (Criminal Case E018 of 2023)
[2025] KEHC 6812 (KLR) (23 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6812 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL CASE E018 OF 2023
TM MATHEKA, J
MAY 23, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

DANSON VAATI KIMUYU ACCUSED

RULING

1. The Accused person Danson Vaati Kamuyu is charged with murder contrary to section 203 as read with Section 204 of the [Penal Code](#)(Cap.63), Laws of Kenya. Particulars of the offence is that Danson Vaati Kimuyu on the 29th day of September, 2023 at Emali Town, Nzau Sub-County within Makueni County, murdered Selina Mbinya Paul.
2. He pleaded not guilty on 14/11/2023.
3. The prosecution indicated they would file an affidavit to oppose bond because accused had fled upon committing the offence.
4. None was filed.
5. Pursuant to a pre-bail report was filed on 19/12/2023, the court was informed that the family of the victim and the community were still hostile towards the accused person. The accused was reported to have been living with the deceased in what the pre-bail report describes as “love relationship” at the time of the murder and that is the source of the hostility. There were also fears by the secondary witnesses that he would interfere with witnesses if released on bond.
6. Upon considering the report the court on 19th March 2024 admitted him to bond of Ksh. 300,000 after the hearing on 2nd and 9th July, 2024.
7. About a year later the accused had not obtained a surety and I sought a bail review report. It was filed on 24th April 2025.



8. Despite describing the accused and his wife as business persons the PACs officer proceeds to describe the family as one in abject poverty unable to raise sureties. I have decried this form of description of any person who is able to fend for themselves simply because they have no land in their own name.
9. The report recommends the accused for lenient bond terms.
10. I have carefully considered the report and find it internally self-contradictory. In one breath stating that the accused is unsuitable and in another he is suitable to lenient bond terms. The PACs officer cannot afford to breath hot and cold.
11. There is no clear development from the first report dis-recommending him and now recommending him.
12. In the circumstances I find the report not persuasive.
13. In addition, it contains the exact same reason that is regurgitated in each report that the victims saw the body of their kin, that they are still mourning, that they do not know what intention the accused had with their family.
14. Surely it cannot be the exact same thing for each family/accused person.
15. The accused persons' bond terms remain at Ksh 300,000 with a surety of similar amount.
16. The report be served upon the County PACs officer for supervision.

DATED, SIGNED AND DELIVERED THIS 23RD MAY 2025.

MUMBUA T MATHEKA

JUDGE

Chrispol Court Assistant

Accused present

Mr. Kazungu for State

Mr. Judah Kioko for accused

