



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Joram (Criminal Case 26 of 2018)
[2025] KEHC 9704 (KLR) (Crim) (16 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9704 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CRIMINAL
CRIMINAL CASE 26 OF 2018**

MW MUIGAI, J

JUNE 16, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

RICK CHIKATI JORAM ACCUSED

RULING

Bail/bond Review Application

1. The Accused person was charged with the offence of murder contrary to Section 204 of the *Penal Code*. The particulars of the offence are that on 30/4/2018 at 11.30 at Kariobangi Mwisho Plaza in Kariobangi North Estate within Nairobi County he murdered Victor Lunani Joram. The charge/information was read to the Accused person and he pleaded not guilty.
2. The hearing commenced on 12/11/2019 before Hon D. Ogembo J and on record is evidence from PW1, PW2 PW3 PW4 PW5 and PW6 before Hon LJ L. Mutende.
3. On 23/01/2025 when this Court took over the matter Section 200 *CPC* was explained to the Accused person to proceed from where the matter stopped. The Proceedings are to be typed / photocopied and availed to ODPP & Defense before next hearing date.
4. On 19/3/2025, Counsel for the Accused person applied for bail pending trial as the circumstances had changed. The bail was denied earlier as there was family hostility as the matter relates to death of a cousin by his relative. The father of the Accused received communication that the family was ready to receive the Accused person if released on bond, pending hearing and determination of the matter.



5. The Prosecution/ODPP stated that on 4/2/2020, the Accused's father told the Court the accused person would be in danger if released on bond. The ODPP filed Replying Affidavit opposing bail/bond at the time. The father of the Accused person has not been brought back to Court to confirm that circumstances have changed. The witnesses are family members and neighbors and therefore oppose grant of bail/bond
6. The Pre-Bail Report filed on 28/4/2025 confirms that the death of deceased is a family matter and members of the family are divided on supporting and castigating the Accused person. The accused person and deceased are cousins at one time they lived together.
7. Secondly, the antecedents of the Accused person, he is not a 1st Offender, at the time of arrest he was on Probation for being in possession of narcotic drugs. Previously, he was sentenced to 3 years imprisonment at Butali Law Courts for grievous harm against his step mother in 2014.
8. The deceased's family oppose bail, fearing that he is a flight risk and if released may interfere with remaining witnesses as there are issues of bad blood. The death of deceased affected health of the mother and relationship with her in laws.
9. The [Bail & Bond Policy Guidelines of 2015](#) stipulate the factors that are considered in deciding to grant or not grant bail or bond to the Accused person. Current practice on application of bail or bond is informed by such factors as:
 10. Nature of the charges, seriousness of the punishment; strength of prosecution's case.; character and antecedents of the accused; failure of accused to honor bail terms previously, likelihood of interfering with witnesses; need to protect the victim of crime and accused person; relationship between the accused and potential witnesses; age of accused if the Accused is a child/young offender; whether Accused person is a flight risk; whether accused person is gainfully employed; maintenance of public order, peace or security and protection of the Accused person. A review or renewal of bond /bail terms orders is due to new developments and only applied in light of all circumstances surrounding the case.
 11. Bail is a constitutional right enshrined in Article 49(1)(h) of the [Constitution](#). The test the Court is required to use to deny bail in appropriate cases is similarly stated in Article 49(1)(h): it is only upon the showing of compelling reasons by the Prosecution that the Court will deny bail. Section 123 & 123A of the [CPC](#) and [Bail & Bond Policy Guidelines of 2015](#) provide guidance on consideration of bail & bond Application.
 12. In light of the Accused person's antecedents as outlined in Pre-Bail Report and the fact that there is apprehension that the remaining witnesses could be interfered with especially as this is a family matter. For these reasons bail/bond is not granted at this stage and the hearing shall be expedited.

**RULING DELIVERED SIGNED & DATED IN OPEN COURT CRIMINAL DIVISION NAIROBI
ON 16/6/2025 VIRTUALLY/PHYSICALLY**

M. W. MUIGAI

JUDGE

