



REPUBLIC OF KENYA



KENYA LAW
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**Kimeu v Republic (Criminal Appeal E005 of 2025)
[2025] KEHC 10576 (KLR) (17 July 2025) (Directions)**

Neutral citation: [2025] KEHC 10576 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
CRIMINAL APPEAL E005 OF 2025**

RC RUTTO, J

JULY 17, 2025

BETWEEN

DUNCAN WAMBUA KIMEU APPELLANT

AND

REPUBLIC RESPONDENT

DIRECTIONS

1. The Appellant was charged with the offence of robbery with violence contrary to section 295 as read with section 296 (2) of the *Penal Code*. The particulars of the Charge Sheet were that on that 29th day of April 2024 at Kambai Junction along Kangundo Mwala road in kangundo Sub-County within Machakos County jointly with others not before court robbed Titus Muteti Kilika, one mobile phone handset make Samsung IMEI 3xxx paired to 07xxx, a national id card, NHIF card, medical practicing card, ATM cards of Equity, family, sidian and shirika link banks and cash valued at kshs 1,503,111 at immediately before or immediately after the time of such robbery threatened to use actual violence to the said Titus Muteti Kilika.
2. During the trial, the magistrate granted each accused person bail in the sum of Kshs.5,000,000, with a surety of similar amount. On 4th December 2024, the State filed an application seeking to vacate the bail terms granted. The application was supported by Sergeant Fredrick Maina, who expressed concern that if the accused were released, there was a high risk of witness interference.
3. Sergeant Maina stated that the 1st accused was known to the complainant, who had received anonymous threats warning him of dire consequences if he pursued the case. He requested that the bond terms be suspended until the case was finalized or until key witnesses testified.
4. In a ruling delivered on 21st January 2025, the trial magistrate allowed the State's request and revoked the bond granted to the 1st accused.



5. Dissatisfied with the cancellation of the bond, the appellant filed a petition of appeal, urging the court to determine the matter based on the grounds set out therein.
6. However, the court noted that the appellant, through his advocate, had filed a notice of withdrawal in the Court Tracking System (CTS), citing that he had opted to pursue a bail review at the Kangundo Magistrate's Court instead.
7. Consequently, by virtue of the Notice of Withdrawal dated 20th June 2025, filed by Paul Mawili, advocate for the appellant, the court formally adopts the withdrawal. The appeal is therefore deemed withdrawn, and the file closed.

DATED, SIGNED AND DELIVERED AT MACHAKOS THIS 17TH DAY OF JULY, 2025

RHODA RUTTO

JUDGE

In the presence of;

..... Appellant

..... Respondent

Selina Court Assistant

