



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Wanjohi (Criminal Case E027 of 2025)
[2025] KEHC 10351 (KLR) (17 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10351 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E027 OF 2025
PN GICHOHI, J
JULY 17, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

ZACHARIA WAMBUGU WANJOHI ACCUSED

RULING

1. Zacharia Wambugu Wanjohi (herein referred to as Accused) is charged with the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code*. The particulars of the offence are that on the 21st day of May 2025 at Elimu Primary School area in Nakuru East Sub- County within Nakuru County, murdered Hannah Waithera Muthee.
2. He denied the charge and a plea of “Not Guilty” was entered and immediately, Ms Mwaura for the Prosecution opposed bond while relying on the Affidavit sworn on 25th June 2025 by CPL. Richard Kipsang who is the Investigating Officer in this case.
3. In that Affidavit, the grounds of opposing bond are that:-
 1. The offence the accused person is facing is serious and will attract a serious punishment if Accused is found guilty.
 2. The Accused person is known but he does not have any known permanent residence where he can be traced if he fails to attend Court.
 3. Other suspects who committed the offence jointly with the Accused herein are still at large and have not been traced.
 4. The character of all the Accused persons portray that that he is a flight risk and therefore not likely to turn up in Court if released on bond.



5. Some key witnesses to the offence are close relatives of the Accused person and they have expressed fear to testify if is out on bond.
6. There are high chances that the Accused will interfere with the said witnesses if he is released on bond.
4. Mr. Orina for the Accused person opposed that application on the grounds that the Accused person has been in custody for the last 22 days and that for the Prosecution to have charged the Accused, there must have been evidence that investigations were complete. Counsel argued that if the other suspects are in custody, then there should be no reason to deny the Accused bond.
5. Arguing that the Accused is presumed innocent until proved guilty, denial of bond would be a violation of his right under Article 49 of the *Constitution*. He submitted that the Accused person is not a flight risk and that there is no evidence that the witnesses are known to him and that he will interfere with their evidence.
6. He urged that the Accused should be released on bond as there are no compelling reasons to do so.
7. In a rejoinder, Ms Mwaura maintained that there are compelling reasons to deny the Accused person bond at this juncture.

Determination

8. This Court has considered the arguments by the parties herein. It is trite that bond is a constitutional right to an accused person charged before Court. However, that right can be limited or denied where there are compelling reasons not to be released.
9. Such reasons include that:-
 1. The accused is a flight risk.
 2. The accused is likely to interfere with witnesses.
 3. The accused's life would be in danger if he is released.
 4. The accused person is likely to endanger peace and national security.
 5. It is in the public interest that the accused person be denied bond.
10. There is no evidence that the Accused's life is in danger or that he is likely to endanger national security. Further, the alleged Accused's bad character lacks any basis. However, it is noted that despite there being an averment that the Accused is known but his place of abode is unknown hence a flight risk, the defence did not deem it fit to counter that, either in form of an affidavit or the oral submissions.
11. Further, despite the defence having a copy of the charge (Information) containing also the list of witnesses, there is nothing presented by the defence to deny that some of the key witnesses to the offence the Accused is charged with are Accused's close family members with who he is likely to mingle with and interfere with their evidence.
12. It is not sufficient for the defence to boldly submit that no evidence was presented to show that the witnesses are known to Accused. Prima facie, they are known to him if they are his close family members. Further, there is nothing in the Investigating Officer's Affidavit that some suspects are in custody as alleged by the defence. What is deponed is that they are at large.



13. In the circumstances, by virtue of being a close family member to the said key witnesses who fear to testify if he is out there, it is not far-fetched for the Investigating Officer to state that the Accused is likely to interfere with the them. That is a compelling reason to deny him bond at this juncture.
14. In conclusion therefore:-
 1. The Accused's quest for bond is denied until the said key witnesses testify.
 2. The Prosecution to prioritise their attendance to testify.

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

PATRICIA GICHOHI

JUDGE

In the presence of:

Mr. Kihara for the State

Zacharia Wambugu Wanjohi- Accused

Mr. Orina for Accused

Ruto , Court Assistant

