



**Director of Public Prosecutions v Njagi (Criminal Case  
E024 of 2023) [2024] KEHC 2863 (KLR) (14 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2863 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CRIMINAL CASE E024 OF 2023  
TW CHERERE, J  
MARCH 14, 2024**

**BETWEEN**

**DIRECTOR OF PUBLIC PROSECUTIONS ..... PROSECUTOR**

**AND**

**DUNCAN MURIITHI NJAGI ..... ACCUSED**

**RULING**

1. By an order dated March 30, 2022, this court after hearing both counsel for the prosecution and for the defence ruled that there was sufficient material that raised reasonable apprehension that Accused is not suitable to be released on bond as at now. Accused was given the liberty to renew his application for bond at a later date in the course of the hearing.
2. This matter was fixed for hearing on 19<sup>th</sup> and September 20, 2023 but come September 19, 2023, the defence counsel without any prior communication to court either before or at the hearing failed to show up and the matter had to be adjourned notwithstanding that the prosecution had lined up 5 witnesses ready for hearing.
3. When counsel for the defence appeared on September 20, 2023, he renewed his application for bond and the matter was fixed for hearing on 04<sup>th</sup> and December 5, 2023 when this court was not sitting and is now fixed for hearing on 13<sup>th</sup> and May 14, 2024.
4. I have considered the application dated May 11, 2023, for review of bond terms, supported by Applicant's affidavit and the affidavits by Dorcas Mukami and Peter Gitonga all sworn on even date and I notice that they raise similar issues as were considered in my ruling dated 30<sup>th</sup> March, 2022.
5. The replying affidavits opposing the application were sworn by the investigating officer CPL Joshua Sila on 18<sup>th</sup> September, 2023 and by Rita Rotich, the prosecution counsel on 01<sup>st</sup> August, 2023 and they likewise raise similar issues as were raised during the hearing of the application that culminated in the ruling dated 30<sup>th</sup> March, 2022 denying Accused bond.



6. In my said ruling, I explained in great detail the reasons upon which the order denying Accused bond was grounded.
7. Applicant has not demonstrated any new and or important matter or evidence or for any other sufficient reason that would persuade the court to review its early ruling.
8. Consequently, this court reiterates that Accused shall remain in custody during the course of the trial or until the order on bond is reviewed.

**DELIVERED AT MERU THIS 14<sup>TH</sup> DAY OF MARCH, 2024**

**WAMAE. T. W. CHERERE**

**JUDGE**

**Appearances**

Court Assistants - Kinoti/Munene

Accused - Present

For the Accused - Mr. Kaberia Advocate

For the State - Ms. Rita (PC 1)

