



**Republic v Maritim (Criminal Case E002 of 2023)
[2024] KEHC 5719 (KLR) (20 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5719 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KILGORIS
CRIMINAL CASE E002 OF 2023**

**F GIKONYO, J
MAY 20, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

MONICA CHESANG MARITIM ACCUSED

RULING

1. On 03/04/2023, Ms Wekesa counsel for the applicant urged this court to review the bail. She argued that vulnerable witnesses have testified, that she has a known place of abode and hence not a flight risk. She therefore will comply with the bond terms.
2. Mr. Muranga prosecution counsel stated that they would file an affidavit on this application. He noted that the 5 crucial witnesses are yet to testify. There are the three culprits at large. One of them is the son and the other two are brothers of the accused.
3. In a ruling dated 21/11/2023, the applicant was denied bail based on the likelihood of interfering with three witnesses who are minors.
4. The legal counsel for the defence filed an affidavit in which she averred that there is no evidence that the accused will interfere with investigations. She also stated that the accused has a known fixed abode, thus, unlikely to abscond. She vouched for the release of her client on bond now that the three witnesses have testified.

Analysis and Determination

5. Inter alia: -

‘In an application for review of the denial of bail, the applicant is under a duty to convince the court that there had been change of circumstances from the time when he was denied bail to warrant the court reviewing its earlier orders.’ (*Republic v Francis Maina Wairimu* (2020) eKLR).



6. And: -

‘The changed circumstances test is one of a common sense... to revisit the issue in the interest of justice not only for the accused but also for the complainant and the society at large... ‘ (*Republic v Diana Suleiman Said & another* (2014) eKLR)

7. The minors have testified. However, the main suspects, who are son and brothers of the accused, are still at large. The allegations against the accused is that she asked the three not to spare the bad person- the deceased- after which they assaulted him and he died. According to the prosecution, the family of the accused have refused to cooperate with the investigators on the whereabouts of the three culprits who are close family members of the accused. They are apprehensive that the accused, and her role in the incident will interfere with investigation. The circumstances of this case are that. the accused is likely to interfere with the arrest of the three culprits who are her son and brothers. There are no changed circumstances to warrant her release on bond. She shall remain in custody pending trial. The trial be fast-tracked.

8. Orders accordingly.

DATED, SIGNED, AND DELIVERED AT NAROK THROUGH MICROSOFT TEAMS ONLINE APPLICATION THIS 20TH DAY OF MAY, 2024.

F. GIKONYO M

JUDGE

In the presence of: -

Ms. Wekesa for the accused

The accused

Okeyo for DPP

Leken C/A

