



**Republic v Hassan (Criminal Case E007 of 2023)  
[2024] KEHC 6796 (KLR) (15 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6796 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VOI  
CRIMINAL CASE E007 OF 2023  
GMA DULU, J  
MAY 15, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**ADAN HASSAN ..... ACCUSED**

**RULING**

1. The accused herein, through defence counsel Mr. Mwanyumba has asked for bail pending trial. Defence counsel has emphasized that the key witness in the case, a minor son of the accused person, has now already testified.
2. The Prosecuting Counsel Mr. Sirima on the other hand, has objected to the release of the accused person on bail on the ground that the accused person who comes from the Kenyan/Ethiopia border has with no fixed abode, and is thus a flight risk. Counsel has also submitted that if released the accused person is likely to harm the key witness, his minor son, and relied on the affidavit in opposition to bail sworn by the investigating officer Cpl. David Kiprop Langat on 14<sup>th</sup> February 2024.
3. I have considered the application and opposition thereto. Bail/bond is a constitutional right and is applicable to all offences, serious or not serious. Article 49(h) of *the Constitution* provides that every arrested person has a right to be released on bail/bond unless there exist compelling reasons for denial of the same.
4. Each case has to be considered on its own merits and peculiar facts.
5. In the present case, there is no contest that the key witness who has already testified is a child of the accused person. He is presently in the custody of relatives, but this court cannot supervise the access of the accused person to the said child of tender years.



6. It is also not contested that the accused person comes from the border area between Kenya and Ethiopia. It is also not contested that presently he has no fixed abode in Voi, and it is not known what engagement would keep him in Voi.
7. In those circumstances, I find the probability of the accused person being a flight risk to be a compelling reason for denial of bail/bond herein.
8. I thus decline to grant the accused person bail/bond.

**DATED, SIGNED AND DELIVERED THIS 15<sup>TH</sup> DAY OF MAY 2024 IN OPEN COURT AT VOI.**

**GEORGE DULU**

**JUDGE**

In the presence of:-

Alfred – Court Assistant

Mr. Sirima for State

Mr. Mwanyumba for the accused

Accused

