



**Republic v Musembi & 4 others (Miscellaneous Criminal Case E238 of 2024) [2024] KEHC 8802 (KLR) (23 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8802 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KITUI  
MISCELLANEOUS CRIMINAL CASE E238 OF 2024**

**RK LIMO, J  
JULY 23, 2024**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**JOSEPH MUNYAO MUSEMBI ALIAS MESHACK MATINA .. 1<sup>ST</sup> RESPONDENT**

**ANNE MUTHEU NGOVO ALIAS MARY NZILANI MWANIKI .... 2<sup>ND</sup> RESPONDENT**

**SHEDDY KAKAI KALUSI ..... 3<sup>RD</sup> RESPONDENT**

**DAVID BEMBE ALIAS WILSON RONO KIRUI ..... 4<sup>TH</sup> RESPONDENT**

**PERMENUS KASAMBA ALIAS CHRISTOPHER OKERO .... 5<sup>TH</sup> RESPONDENT**

**RULING**

1. This court has considered the application by the ODPP (state) and the response by the subject (Respondents). I have called for the Lower Court file Kitui CMCC Misc. E019/2024.
2. The order given by court on 22<sup>nd</sup> July 2024 is not very clear and contradictory because while the trial magistrate granted the state 7 days to carry out investigation while having the subjects in custody, there seems to be a contradiction because the trial court also gave bond of Kshs. 80,000/= each with surety to the subjects therefore defeating the purpose for detention.
3. In the premises this court invokes its revisionary powers under Section 362 of the *Civil Procedure Code* and sets aside the order for bond.
4. In its place, the subjects will now be held for 7 days from today and will be produced in the trial court on 30<sup>th</sup> July 2024 for further orders from that court.

**DATED, SIGNED AND DELIVERED AT KITUI THIS 23<sup>RD</sup> DAY OF JULY, 2024**



**HON. JUSTICE R. K. LIMO**  
**JUDGE**

