



**Republic v Mubia (Criminal Case 69 of 2019)
[2024] KEHC 11009 (KLR) (Crim) (24 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11009 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CRIMINAL
CRIMINAL CASE 69 OF 2019**

**K KIMONDO, J
SEPTEMBER 24, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

FRANCIS WANJOHI MUBIA ACCUSED

RULING

1. The accused prays for review of the bail terms issued on 25th October 2021. The notice of motion is dated 23rd January 2024 and predicated on his deposition of even date.
2. The motion is opposed by the Republic.
3. On 24th July 2024, I heard further arguments from both learned counsel for the accused and the State.
4. In a synopsis, learned counsel for the accused submitted that the bail terms first granted on 9th February 2021 and reviewed on 25th October 2021 remain beyond the reach of the family of the accused. As a result, the accused continues to languish in custody. He thus sought reduction of the bond to either Kshs 500,000 with one surety or in the alternative, a cash bail of Kshs 100,000.
5. The Republic on the other hand contends that a similar motion was presented to court and the terms reviewed downwards on 25th October 2021. A subsequent application for further review was declined by court for considered reasons. Accordingly, and considering the nature of the offence, the motion is an abuse and should be dismissed,
6. I take the following view of the matter. The accused faces the grave charge of murder. The Director of Public Prosecutions informs the High Court that on the night of 22nd September 2019 at Soweto area in Kayole Estate, Nairobi County he murdered Beatrice Nabwire.



7. Those remain allegations; and the accused is presumed innocent at this moment. Under Article 49 (1) (h) of *the Constitution*, as read together with section 123 A (1) of the Criminal Procedure Code, he is entitled to bail unless there be compelling circumstances.
8. In this case, the accused was first granted bond on 9th February 2021 in the sum of Kshs 1,000,0000 with one surety of a similar sum. He could not raise the surety. Following a further application, and on 25th October 2021, the court allowed him to post a cash bail of Kshs 200,000.
9. He still could still not meet the fresh terms. So, on 26th October 2022, he applied for further review in exactly the same terms as those now before me. In a considered ruling dated 30th November 2022, the Court (Ogembo J) found that the terms earlier granted were fair and declined the request for review.
10. Granted that history and the nature of the charge, I readily find that the present application for review is unmerited and proceed to dismiss it. In the interests of justice, I direct that that the remainder of the trial be fast-tracked.

It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 24TH DAY OF SEPTEMBER 2024.

KANYI KIMONDO

JUDGE

Ruling read virtually on Microsoft Teams in the presence of-

Accused.

Mr. Farah for the accused.

Ms. M. Kigira for the Republic instructed by the Office of the Director of Public Prosecutions.

Mr. E. Ombuna, Court Assistant.

