



**Kexian v Republic (Miscellaneous Criminal Application E161 of 2024)
[2024] KEHC 12420 (KLR) (17 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12420 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E161 OF 2024**

**DR KAVEDZA, J
OCTOBER 17, 2024**

BETWEEN

XIAO KEXIAN APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Before the trial court, the applicant is facing a charge of stealing contrary to section 268(1) as read with section 275 of the *Penal Code*. He filed an application for bail pending trial before the said court. The application is yet to be determined.
2. Subsequently, the applicant filed the present application seeking release on bail pending trial challenging the decision of the trial court to deny him bail. The application is canvassed by way of oral submissions by the parties which have been duly considered.
3. From the directions issued by the trial court on 13th October 2024, the trial directed the probation officer to avail a probation report to guide the court on whether to grant or deny bail. Allowing the application at this juncture would therefore be premature and not in the best interest of the victims whose voice must also be heard during the bail hearing. This is usually done by the probation officer.
4. I therefore decline to issue any order at this juncture, since the trial court is yet to make a pronouncement on the matter. Indeed, the ruling on bail/bond is set for October 22, 2024. Parties are at liberty to move the court thereafter.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 17TH DAY OF OCTOBER 2024.

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D. KAVEDZA



JUDGE

