



**Republic v Lempuris (Criminal Case E007 of 2022)
[2023] KEHC 21591 (KLR) (5 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21591 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
CRIMINAL CASE E007 OF 2022
SN MUTUKU, J
JULY 5, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

PAPIARI LEMPURIS ACCUSED

RULING

1. Papiari Lempuris, the accused, is charged with murder contrary to Section 203 as read with Section 204 of the Penal Code. Particulars of this offence are that on 30th March 2022, at Meto Location in Namanga Division, Kajiado Central Sub-County in Kajiado County, he murdered Jackson Meiseyieki. The accused has denied committing this offence.
2. The accused has, through Ms Wasilwa learned counsel, approached the court seeking to be admitted to bail/bond pending the hearing and determination of this case. The prosecution opposed the release of the accused on bail/bond through the affidavit of PC David Tuarari. He has deposed that the accused is a Tanzanian national and is a flight risk. This is the main reason advanced by the prosecution.
3. This court called for a pre-bail report before considering this application. The report was filed in court on 2nd June 2022. I have read the report. It shows that the accused is a Tanzanian national aged 32 years who came to Kenya in 2014. He has been performing casual jobs in different parts of the Kenya. He did not provide information about his former employers.
4. At the time of his arrest, he had stayed in Meto Location Namanga for only one month. According to the report, the accused did not have any meaningful community ties and travel or identification documents. The report also indicates that the accused is at risk of harm by members of the public due to the circumstances surrounding the death of the deceased.
5. During the pendency of this application, Ms. Wasilwa had indicated to the court that she was trying to get accused's contacts in Kenya but she had failed to get anyone.



6. I have considered this application. Bail is a constitutional right. It is not an absolute right and can be denied where compelling reasons exist. I have considered that the paramount consideration in admitting an accused to bail/bond is that he will attend court when required to do so until the matter is fully heard and determined.
7. In respect to this case, I have noted that the accused lacks travel and identification documents. Without travel documents, the accused must have entered and remained in Kenya illegally. Without identification documents, family support and Kenya community ties or support from his former acquaintances and contacts in Kenya, it will be impossible for the police to trace him if he were to fail to attend court. My view is that though the accused has a constitutional right to bail, I am persuaded, due to the social circumstances of the accused, to decline this application. Bail/bond is denied until this matter is fully heard and concluded. I urge the prosecutor and the Investigating Officer to assist the court to realize the expedient determination of this case by availing witnesses and exhibits to avoid unnecessary adjournments.
8. The accused shall remain in custody. It is so ordered.

DATED, SIGNED AND DELIVERED THIS 5TH JULY 2023.

S. N. MUTUKU

JUDGE

