



**Republic v Hassan (Criminal Case E006 of 2024)
[2024] KEHC 15105 (KLR) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15105 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL CASE E006 OF 2024
AN ONGERI, J
NOVEMBER 7, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

OMAR MUHIDIN HASSAN ACCUSED

RULING

1. I have considered the submissions by both the Defence Counsel and the Prosecuting Counsel in the bail application made by the Defence Counsel orally on behalf of the accused person.
2. I have also perused the pre-bail report filed by the Probation Officer dated 18th October 2024.
3. It states that the Accused person is a 34 years old man who was working as a farm hand man in Eldoro village at the material time of the alleged offence.
4. The report also states that his father is a Kamba from Kibwezi in Kenya but his mother is a Tanzanian who relocated to Tanzania where she got married. The Accused person was adopted and raised.
5. Article 49 of *the Constitution* of Kenya states that every offence is bailable except where there are compelling reasons NOT TO release an accused person on bond or bail.
6. It is also true that every accused person is presumed innocent until proved guilty.
7. However, in the current case, I find that the accused person has no fixed abode and that is a compelling reason NOT to release him on bond since he is a potential flight risk.
8. I accordingly reject the application for bond and direct that the case be expedited.
9. Mention on 18th November 2024 for pre-trial conference and for a hearing date.



**DATED, SIGNED AND DELIVERED THIS 7TH DAY OF NOVEMBER 2024 IN OPEN COURT
AT VOI.**

ASENATH ONGERI

JUDGE

In the presence of:-

Prosecutor: Frank Sirima

Maina – Court Assistant

Mr. Mosioma for the Accused Person

