



**Republic v Mwanzi & 2 others (Criminal Case E007 of 2024)
[2024] KEHC 15127 (KLR) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15127 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL CASE E007 OF 2024
AN ONGERI, J
NOVEMBER 7, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

SAMUEL KEYA MWANZI 1ST ACCUSED

ALFRED MUTUA PONDO 2ND ACCUSED

HARRY TONY PACHANGA 3RD ACCUSED

RULING

1. I have considered the submissions by both parties in the oral application for bail made by the Learned Counsel for the Accused persons.
2. I have also considered the objection raised by the Learned Prosecution Counsel.
3. Upon perusing the pre-bail reports filed on behalf of the Accused persons all dated 17th October 2024, I find that in all the reports, the Probation Officer has raised the issue of the safety of the Accused persons if released on bond.
4. The Accused persons and the deceased all hail from the same village.
5. The Probation reports state that tension is still palpable among the parties interviewed.
6. It is in the interest of the safety of the Accused persons that this bail application be held in abeyance until a further date.
7. Article 49 of the *Constitution* of Kenya provides that every offence is bailable unless there are conflicting reasons not to grant bond.
8. Every Accused person is also presumed innocent until proved guilty.



9. However, in the current case, the fact that the probation report states that the safety of the Accused persons is not guaranteed is a compelling reason NOT TO grant the Accused persons bond at the moment.
10. I accordingly defer this application until circumstances on the ground have changed.
11. The bail application to be reviewed at a future date.
12. In the meantime, the Prosecution Counsel to serve the Defence Counsel with the statements and all documents the prosecution will rely on in this case.
13. Mention on 18th November 2024 for the pre-trial conference and for a hearing date. Remanded in custody.

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

Court Assistant: Patrick Maina

Mr. Mosioma for the Accused Persons

