



**Republic v Nandwoli (Criminal Case E025 of 2021)
[2024] KEHC 14021 (KLR) (6 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14021 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E025 OF 2021
DO CHEPKWONY, J
NOVEMBER 6, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

AMOS SIMIYU NANDWOLI ACCUSED

RULING

1. The Accused person Amos Simiyu Nandwoli is charged with the offence of Murder contrary to Section 203 as read with Section 204 of the Penal Code.

The particulars of offence is that:-

“On the 25th day of April, 2021 at Thindigua area in Kiambu Sub County within Kiambu County, the accused murdered one Elijah Ekwenyi Otolim”

2. On 17th May, 2021, the accused was arraigned in court but was remanded in custody to undergo mental assessment and be assigned Legal Representation. It was not until 13th May, 2021 that it was confirmed that the accused was fit to plead and had been assigned Legal Representation. The accused person pleaded “Not Guilty” to the offence of Murder. The court then granted the accused Bond of Kshs. 500,000/= with two sureties of similar amount vide a court ruling which was erroneously dated 6th May 2021.
3. The Accused person has now filed an undated application seeking a review of a bond in the sum of Kshs 500,000/= which he states was excessive that his family has been unable to raise the same. He is seeking for a review of the said terms and for the court to grant him bond of Kshs. 300,000/= or an alternative cash bail of Kshs. 100,000/=. He holds that he is not a flight risk, and is a first born in a family of 23 siblings with, that he has a wife and three daughters who depend on him as the sole bread



winner. He undertakes to attend court without fail upto the logical conclusion of the matter if the court allows his application.

4. It is trite that the purpose of bail and bond is to secure the attendance of the accused person to court in accordance to the Bail and Bond Policy Guidelines, it is restated as a general guideline in Paragraph 4.9 that:

“In terms of substance, the primary factor considered by the courts in bail decision-making is whether the accused person will appear for trial if granted bail. A particular challenge the courts face since the promulgation of *the Constitution* of 2010 is determining the existence of compelling reasons for denying an accused person bail, particularly in serious offences.”

The Pre bail Report.

5. The court called for a social inquiry to be conducted on the Applicant and for a Bail Information Report to be availed. The same was filed on 19th September, 2024. From this report, the Probation Officer inquired into the accused person’s family circumstances, his personal circumstances and means, drugs and substances, previous adherence to bond/license terms, seriousness of the offence, victim’s concerns and sentiments, community ties and views of the investigating officer, bail sureties and securities in coming up with its conclusion and recommendations.
6. The Probation Officer indicated that the accused person is a 30 year old man father of three children and was working as a casual prior to his arrest. That he prays the court to review his bail and bond terms which his family supports since the amount was too high for them to raise. It is stated that His maternal uncle will start surety for him while his wife will act as a contact person and ensure that he adheres to the set bond regulations. It is stated that the area administration in Thindigua and bumula says that the accused person does not have criminal history and he relates well to the community. That the deceased family is still hurting and it’s bitter with the loss of their kin and therefore oppose the release of the accused on bond terms as they would want him to attend court while in Remand until the case is determined.
7. Having listened to the sentiments of the Applicant that his family is unable to raise the bond terms, the court has considered the circumstances of the case and the Bail information report. It is worth— noting that the accused having been in custody since 7th May, 2021 and proceeds allow his application and reduces the bond terms from Kshs. 500,000/= to Kshs. 300,000/= with a surety of similar amount or an alternative of cash bail of Kshs. 200,000/=.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 6TH DAY OF NOVEMBER, 2024.

D. O. CHEPKWONY

JUDGE

In the presence of:-

M/S Ndeda counsel for the State

M/S Gituma counsel for the accused

Court Assistant - Martin

