



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. 41 OF 2020

REPUBLIC.....PROSECUTOR

VS.

SAMUEL GACHOKA WAMBUI alias RASTA.....ACCUSED

RULING

1. **SAMUEL GACHOKA WAMBUI alias RASTA** has applied that he be released on bail pending his trial. He pleaded not guilty to a charge of murder.
2. His application for bail was not opposed by prosecution. Prosecution however requested that the bail terms be strict.
3. The pre-bail probation report shows that the accused is the only surviving member of his nuclear family. He is 42 years old. He is unmarried. He has in the past abused alcohol.
4. The application for bail is opposed by the victim's family. They fear that the accused will interfere with witnesses because the accused is a close relative and his place of residence is close to the victim's family.
5. I have considered the application for bail and the background information of the accused as brought out in the pre-bail probation report. In my view there are compelling reasons to deny the accused bail. He has in the past abused alcohol. His plea had to be postponed once because he was undergoing addiction therapy while in custody. He is closely related to the victim's family and resides in close proximity to them.

DISPOSITION

6. For the above reasons the bail application is declined. The accused shall remain in custody pending his trial.

RULING DATED AND DELIVERED AT KIAMBU THIS 15TH DAY OF APRIL, 2021.

MARY KASANGO

JUDGE

Coram:

C/A: Kevin

Accused: Present

For the Accused: Mr. Marube

For the Prosecution: Ms. Kathambi

COURT

Ruling delivered virtually.

MARY KASANGO

JUDGE