

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL CASE NO. E027 OF 2020

REPUBLIC.....PROSECUTOR

VERSUS

AKR.....ACCUSED

RULING

1. This is a ruling on bond application made by **Mr. Bore** Advocate on 27th January, 2021. He applied that accused be released on bond with reasonable terms.
2. **Ms. Rita Rotich** for state opposed the application on ground that there was a likelihood that members of public would harm the accused. She also submitted that the accused went into hiding after commission of the offence and he was tracked using his mobile phone.
3. In a rejoinder, **Mr. Bore** for accused submitted that the allegations by the state counsel are not in affidavit sworn by the investigating officer and prayed that the court do disregard the allegations. He submitted that there are no compelling reasons to deny accused bond.
4. I have considered submissions by the state counsel and defence counsel. I have also perused affidavit sworn by **No. 237797 I.P. Harrison Dzombo** on 5th November, 2020 and pre-bail report filed on 23rd February, 2021.
5. I note that the probation officer's report indicated that the accused is likely to be a danger to the victim who is 12 years old and his father. From the report, the accused is not a flight risk and may not interfere with witnesses.
6. Having considered the above, it is my view that it will not be appropriate to release accused on bond now as he will be going back to his family where he is considered a threat to their security.
7. I therefore deny accused bond at this stage. He may review his bond application at a later date.

Ruling dated, signed and delivered via zoom at Nakuru This 9th day of June, 2021

RACHEL NGETICH

JUDGE

In the presence of:

Schola/Jeniffer - Court Assistant

Accused present in person

Rita for State