



**Republic v Anthony Njiba Kamau & 2 others (Criminal Case
22 of 2018) [2021] KEHC 329 (KLR) (6 December 2021) (Ruling)**

Neutral citation: [2021] KEHC 329 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
CRIMINAL CASE 22 OF 2018
MW MUIGAI, J
DECEMBER 6, 2021**

BETWEEN

REPUBLIC PROSECUTION

AND

ANTHONY NJIBA KAMAU & 2 OTHERS ACCUSED

RULING

1. The accused persons herein Anthony Njiba Kamau and 2 others have been charged with an offence of murder contrary to Section 203 as read with section 204 of the *Penal Code*. The particulars are that on the night of 12th August, 2018 at Joska township of Matungulu sub-county within Machakos County jointly murdered Justus Shikoli Muse alias Waingo.
2. The Accused persons filed an application dated 30/05/2019 seeking that they be released on bail/bond pending trial. The application was heard by Kemei- J and Ruling on the same was delivered on 2nd October, 2019 whereby a bond of Kshs.1,000,000/- plus one surety of like sum was granted to each accused persons.
3. The matter proceeded for hearing and three (3) prosecution witnesses have so far testified.
4. On 2/11/2021 Anthony Njiba Kamau (1st accused herein) requested the court to review his bond terms as he is unable raise the same.
5. The Trial Court ordered for a Pre-bail report and sought from the DPP whether there are any compelling reasons not to vary bond terms.

OBSERVATIONS:

6. The Court has read the Ruling of Hon. D. K. Kemei – J dated 2nd October, 2019 wherein the court considered affidavit of Cpl. Johnstone Kabibei No. 45604 of 19/06/2019 objecting to bail/bond



because 1st accused went into hiding after the incident and was arrested 5 months later hence he is a flight risk.

7. The Pre-bail Report of 1st Accused (Anthony Njiba Kamau) indicated that he is not a 1st offender as he had been convicted for stealing and was jailed for 18 months at Kibera Law Courts.
8. His divorced wife gave a negative report about him and described him as a drunk and a violent person.
9. The Proprietor/Manager of Tawisha Bar fears for his life if 1st accused is released on bond as he might harm him in revenge.
10. Nyumba Kumi gave a negative report about the accused person stating that the 1st accused belonged to a gang of thieves who terrorized members of the public hence a threat to the community.

DETERMINATION

11. In the upshot and considering both the Affidavit by the Police Officer, the Nyumba Kumi report and the Pre-Bail/Bond Report the application for variation of bond is not favourable therefore the application is hereby denied and the 1st accused person shall be released on the terms of bond in the Ruling of 4/10/2019 of Kshs.1,000,000/- plus one surety of like sum.

It is so ordered.

DELIVERED SIGNED & DATED IN OPEN COURT VIRTUALLY ON 6TH DECEMBER 2021.

M.W. MUIGAI

JUDGE

IN THE PRESENCE OF;

Anthony Njiba Kamau Applicant – present (Virtual)

Geoffrey - Court Assistant

