

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 13 OF 2019

CHARLES MUTHEE M'IRIMBA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

1. By a Motion on Notice dated 27/5/2019, the applicant has sought that he be granted Bail/Bond pending trial. The application is supported by his affidavit sworn on the same date. He avers that he has a constitutional right to be released on bail/bond pending trial and that he shall abide by all the terms and conditions that the court may set. The application has not been opposed by the state.
2. This is the second time the applicant is seeking to be released on bond. This court had declined a similar application on 2/5/2019 on the basis of the reasons on record. In that decision, the court found that on the basis of the pre-bail report dated 4/4/19, there were compelling reasons, including the security and wellbeing of the applicant, not to release him on bond. Members of the community and that of the victim were of the view that tragic consequences may be occasioned upon the applicant if he is released on bond terms.
3. There is nothing to show that there has been change of circumstances then obtaining. Further, the applicant has not disputed what the said report stated or shown that the circumstances have changed. In the circumstances, I see no reason to review the order made on 2/5/19.
4. In the circumstances, I find that the application dated 27/5/19 lacks merit and the same is therefore dismissed.

DATED and **DELIVERED** at Meru this 17th day of October, 2019.

A. MABEYA

JUDGE