

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO 3 OF 2018

REPUBLIC

Versus

ANTHONY MUTETHIA.....ACCUSED

RULING

Bail

[1] Only presence of compelling reason will make the court deny the accused bail. Is there a compelling reason not to release the accused on bail or bond? The pre-bail report filed stated that the accused is a known criminal with previous criminal records. It also stated that he is dreaded for his criminal behaviour which has now taken another nasty colour; raping women. The Report says that he is facing a rape charge in the lower court. In addition, the reports stated that the community as well as the family of the victim strongly oppose his release on bail especially given the circumstances of this offence and the danger he poses.

[2] There should be a strong reason which brings conviction on the court not to release the accused person. The report depicts the accused as dangerous and has given minute details of the dread which the community and the family of the victim hold from him. Other than being possible witnesses, the family of the victim is regarded as victims in a criminal trial and are no longer regarded as spectators. I place the circumstances of the case on the scale of law. And, I am convinced that the accused may interfere with witnesses as well as family of the victim. That is a compelling reason for which an accused person may be denied bail. Accordingly, the accused is denied bail. He will remain in custody until this case is heard. It is so ordered.

Dated, signed and delivered in open court at Meru this 2nd day of July 2018

F. GIKONYO

JUDGE

In the presence of:

Namiti for state

M/s Waigwa for accused

F. GIKONYO

JUDGE