



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CRIMINAL CASE NO. 49 OF 2013**

**REPUBLIC..... PROSECUTOR**

**VERSUS**

- 1. DENNIS MNYOTA CHAI**
- 2. RAMADHAN KARISA CHARO**
- 3. JUMAA MUMBA KALUMBE KALUME.....ACCUSED**

**RULING**

The three Accused persons above mentioned are charged with the offence of murder contrary to section 203 as read with section 204 of the penal code. This is an application for bond which is premised under article 49(i) (h) of the Constitution which provides that,

**“an arrested person has the right to be released on bond or bail, on reasonable conditions pending a charge or trial, unless there are compelling reasons not to be released”.**

The application for bond is opposed on the grounds that if the Accused persons are released they will interfere with witnesses.

The investigating officer one Joshua Rume Oselu in his affidavit depones that the three Accused persons have been threatening the Witnesses in this case.

That one Dhahabu Makasi prosecution Witness No. 2 has made a report vide police OB No. 31/2/10/2013 at Mariakani Police Station on threats that were made against her.

This court had earlier on called for a pre bond report on the three Accused persons from the probation and aftercare service but the reports do not answer the allegations of threats to the Witnesses.

The same issue of threats has not been exhaustively tackled by the applicants. The upshot is that the allegations of threats which have been buttressed by a report vide police OB NO. 31/2/10/2013 have not been seriously contested and for the time being I find it a compelling reason not to grant the Accused persons bond.

The application can be revived and revisited at a later stage.

Ruling delivered dated and signed in open Court this **6th** day of **February, 2014**.

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**M. MUYA**

**JUDGE**

**6TH FEBRUARY, 2014**

**In the presence of:-**

Counsel for the Accused persons Mr. Mburu holding brief Magolo

Counsel for the State Miss Ogweno

Court clerk Musundi

**M. MUYA**

**JUDGE**

**Court:** Hearing 12th March, 2014.

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**M. MUYA**

**JUDGE**

**6TH FEBRUARY, 2014**