

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 21 OF 2013

REPUBLICRESPONDENT

VERSUS

AGGREY MANG'ONG'OAPPLICANT

RULING

Aggrey Mang'ong'o Amugure faces two counts of murder contrary to section 203 as read with Section 204 of the Penal Code. He is said to have murdered Amina Falzadin and Mohamed Afzal Raspot on 24th October 2011 at South C Estate within Nairobi County. He now seeks to be released on bail pending his on-going trial. His application dated 21st July 2012 is supported by an affidavit of even date sworn by **Mrs.Gulenywa** his advocate on record.

The application has been opposed by the State vide the replying affidavit of **No. 46191 IP Joseph Gichuki** and oral submissions tendered in court by **Ms. Mwaniki**, the prosecuting counsel. It is the State's contention that the applicant is a flight risk. They cite his antecedent that he disappeared for a period of one year after the alleged offence.

I have carefully considered the rival affidavits and submissions in this application. I have also carefully considered Article 49 (i) h of the Constitution. I have come to the conclusion that there exists a compelling reason not to admit the applicant to bail. It has been demonstrated to me through the averments in the sworn affidavit of the investigating officer and submissions by prosecuting counsel that the applicant's antecedents do not support the position that he will attend his trial. It is not disputed that he went into hiding for a whole year after the alleged murder. From the documents before court, the offence was committed on 21st October 2011 after which the accused went into hiding and was only arrested on 13th September 2012. Considering these circumstances, I am persuaded that he poses a flight risk. Consequently I dismiss the application dated 21st July 2013 and order that the accused remain in custody pending the conclusion of his on-going trial.

Ruling delivered, dated and signed at Nairobi this 11th day of March, 2014

R. LAGAT - KORIR

JUDGE

In the presence of:

.....: Court clerk

.....: Applicant

.....: For the Applicant

.....: For the State/respondent

