

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

HCR NO. 13 OF 2014

LESIT, J

REPUBLIC.....PROSECUTOR

V E R S U S

DAVID MWAKI KALUNGE.....ACCUSED

R U L I N G

The Accused faces one count of murder contrary to section 203 as read with section 204 of the penal Code. Mr. Nyenyire urged the application for bail on accused behalf. Counsel urged the court to give reasonable bond terms.

1. Mr. Mungai in response to the Application urged that the accused should not be granted bond because the accused went into hiding after committing the offence for a whole month.
2. The record shows that while the offence was committed on 8th February, 2014, the accused was arraigned in court in 3th March, 2014. That gives credence to prosecution's submission that the accused went into hiding soon after this offence. The accused has not controverted that allegation. It means he does not deny same.
3. One of the grounds to decline bail is if the accused is likely to abscond or jump bail and fail to attend his trial. The accused went into hiding soon after the offence. The chance of the accused absconding once granted bail cannot be overruled.
4. Considering all these circumstances and facts, I am satisfied that there are compelling reasons not to grant accused bail. In the circumstances I decline to grant accused bail/bond in this case. His application rejected.

DATED SIGNED AND DELIVERED AT MERU THIS 5TH DAY OF JUNE, 2014

LESIT,J.

JUDGE