



**Republic v Nahashon (Criminal Case E008 of 2025)
[2025] KEHC 13594 (KLR) (Crim) (30 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13594 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL CASE E008 OF 2025
K KIMONDO, J
SEPTEMBER 30, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

PC LIMO KIPKOSGEY NAHASHON ACCUSED

RULING

1. The accused seeks review of the ruling made on 1st July 2025 denying him bail. His notice of motion is dated 28th July 2025 and supported by a deposition of even date.
2. He avers that the primary reason for denial of bail was that there was a risk of interference with prosecution witnesses particularly one Corporal Philip Kae. To counter that position, he deposes at paragraph 5 as follows-

I am a GSU officer based at the GSU Headquarters and I have never worked at Gigiri Police Station, nor have I been attached to any department, unit or division within Gigiri command. The implication that I have associations with officers from Gigiri is therefore erroneous and uncorroborated.

3. He adds that “on the material day of the incident, I was only present at Gigiri Police Station in my private capacity as a customer” and that he has no “prior working relationship” with Cpl Kae, the deceased or any other witnesses. The only connection, he states, is that they “are all officers under the broad umbrella of the National Police Service and nothing more”.
4. His learned counsel, Mr. Wachira and Mr. Nthei, also submitted that the accused has since been interdicted and is thus unlikely to interfere with witnesses or evidence. Counsel implored me to find that the factual foundation of the ruling was erroneous and called for review.



5. The motion is contested by the Republic. Learned prosecution counsel, Ms Kigira, relied on the earlier deposition opposing bail by Inspector of Police Benedict Kaulu dated 17th April 2025. In her view, the interdiction of the accused is a routine practice following the taking of plea; and, that in sum, there is no change of circumstances justifying review.
6. It bears repeating that the accused is presumed innocent at this moment. Under Article 49 (1) (h) of *the Constitution*, as read together with section 123 A (1) of the Criminal Procedure Code, he is entitled to bail unless there be compelling circumstances.
7. In the impugned ruling I found that there were a number of compelling reasons for denial of bail as detailed in paragraphs 17 to 23:
 - (17) When I juxtapose those principles against the materials before the court, I find as follows. Firstly, the accused faces the grave charge of murder. The Director of Public Prosecutions informs the High Court that on the 9th March 2025 at Gigiri Police Station, Westlands Sub-County within Nairobi County he murdered the deceased.
 - (18) Secondly, I cannot shut my eyes to the averment that another police officer, Cpl Phillip Kae suffered serious gunshot wounds in the incident and remains hospitalized. I am however not satisfied that his failure to record a statement is borne out of a direct or indirect threat from the accused. The point to be made however is that he is a fragile witness in this trial. The mere fact that he is a corporal and hence senior to the accused cannot be reassuring in the circumstances.
 - (19) Thirdly, the homicide occurred at the Police Canteen at Gigiri Police Station. The deceased and the injured witness are police officers. From the deposition by Inspector of Police Benedict Kaulu, I am satisfied that a number of witnesses will be officers who used to work with the accused. The likelihood of interference with evidence or the witnesses is thus not far-fetched.
 - (20) Fourthly, my reading of the rival versions of depositions shows that the accused, while still armed, hid under a car and that it took considerable time to arrest him. The accused admits that after the incident, he “hid under a car, I did not flee as I was attacked by people unknown to me and I had no option but to take cover under the vehicle to protect myself from harm”.
 - (21) The version by the investigating officer is that “it took the concerted efforts of a team of officers....who smoked (sic) the accused person out of his cover using tear gas cannisters”.
 - (22) I am thus satisfied that the accused may not have fled far from the scene. But he did not also surrender to the police. I say that very carefully as these are mere allegations at this stage based on affidavit evidence.
 - (23) On the totality of the materials in the deposition filed by the Republic, and based on admissions by the accused above, I thus find that the likelihood to abscond is high. Paraphrased, the attendance of the accused at his trial has been cast into some doubt.



8. Clearly, the court found that beyond the likelihood of interference with witnesses, the accused was also a flight-risk. The backbone of the review motion is largely based on the finding in paragraph 19 above; and, that the accused has since been interdicted from duty. The accused has interpreted paragraph 19 narrowly to mean that he was working at Gigiri Police Station. I never said so. I simply stated “that a number of witnesses will be officers who used to work with the accused. The likelihood of interference with evidence or the witnesses is thus not far-fetched”.
9. The accused admits in the present motion that the deceased and a number of witnesses including Cpl Kae, who was injured in the attack, are all police officers. The accused is a GSU officer within the National Police Service. Furthermore, there were other reasons for denial of bail beyond the fact that the accused and the witnesses are police officers. Viewed through those lenses, the fact that he has now been interdicted is not a plausible basis for review.
10. The upshot is that no good cause has been shown for review. The notice of motion dated 28th July 2025 is accordingly dismissed.

It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 30TH DAY OF SEPTEMBER 2025.

KANYI KIMONDO

JUDGE

Ruling read virtually on Microsoft Teams in the presence of-
Accused.

Ms. Kigira for the Republic instructed by the Office of the Director of Public Prosecutions.

Mr. Nthei for the accused instructed by Wachira & Mumbi Advocates.

Mr. E. Ombuna, Court Assistant.

