



**Republic v Isige (Criminal Case E1611 of 2024)
[2025] KEMC 212 (KLR) (16 September 2025) (Ruling)**

Neutral citation: [2025] KEMC 212 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CRIMINAL CASE E1611 OF 2024
PA NDEGE, SPM
SEPTEMBER 16, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

SHAURI LOCHO ISIGE ACCUSED

RULING

1. It is alleged herein that on 19/07/2024, at around 10.00am, at Manyani area of Nakuru East sub-County, jointly with others not before court, the accused was found being in possession of 3 spikes suspected to be porcupine quills and meat weighing 3kgs suspected to be of porcupine without permit from the Director General Kenya Wildlife Service. In the second count, it is alleged that on the same day and at the same time, while jointly with others not before court, he was found dealing in meat suspected to be of a porcupine weighing 3 kgs and was in possession of 1 sack, 1 panga, 3 knives and 1 tray without a permit from the Director- General of Kenya Wildlife Service.
2. On 11.09.2024, the court imposed a bond of Kshs. 1,000,000/- with 1 surety of a similar amount, or, in the alternative, a cash bail of Kshs. 300,000/-. So far, 3 witnesses have testified for the prosecution. On 13/08/2025, the accused prayed for cash bail review. The learned prosecution counsel, Mr. Moses Macharia, did not object or oppose the application.
3. The principle law on bail- bond is in article 49(1)(h) of the *constitution* of Kenya 2010, which gives the accused person 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.
4. At the same time, the *Criminal Procedure Code* empowers a court to admit a person accused of offence to bail or release on executing a bond with sureties for his or her appearance. Further, the criminal procedure code provides that the amount of bail shall be fixed with due regard to the circumstances of the case and shall not be excessive.



5. In the case of *Republic v Robert Zippor Nzilu*, Criminal Case No. 4 of 2018, It is trite law that granting bail entails the striking of a balance of proportionality in considering the rights of the applicant who is presumed innocent on the one hand and the public interest on the other. The cornerstone of the justice system is that no one should be punished without the benefit of due process. Incarceration before trial, when the outcome of the case is yet to be determined, cuts against this principle.
6. Bail and bond decision making is however often guided by certain principles such as the right to be presumed innocent unless proven guilty, the accused person's right to liberty, the accused obligation to attend trial, right to reasonable bail and bond terms, balance between the rights of the accused person and the interests of justice and consideration for the rights of victims.
7. Bail or bond conditions should be appropriate to the offence committed and consider the personal circumstances of the accused person. In the circumstances, what is reasonable will be determined by reference to the facts and circumstances prevailing in each case. In *Andrew Young Otieno v Republic* (2017) eKLR, the court agreed with the Applicant that the purpose of imposing bond terms is to secure the attendance of the accused before the court during trial. The terms imposed by the trial court should not be such that it amounts to a denial of the constitutional right of the accused to be released on bail pending trial. The trial court must consider the circumstances of each accused when determining bond terms to be imposed.

Determination

8. Considering the above principles and factors, and the offences herein being serious, I do review the cash bail imposed herein to Kshs. 150,000/-.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 16TH DAY OF SEPTEMBER, 2025

ALOYCE-PETER-NDEGE

SENIOR PRINCIPAL MAGISTRATE

In the presence of;

Janet.....Court assistant/ interpreter

Smith.....present for DPP

Accused person - Present

