



**Republic v Ajuoga (Criminal Case E2488 of 2024)
[2024] KEMC 85 (KLR) (10 December 2024) (Ruling)**

Neutral citation: [2024] KEMC 85 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CRIMINAL CASE E2488 OF 2024
PA NDEGE, SPM
DECEMBER 10, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

SAMWEL ODOYO AJUOGA ACCUSED

RULING

1. This ruling is a continuation of my earlier ruling dated 21st November 2024 on the application by the prosecution for compelling reason to deny accused person herein bond/bail. One prominent compelling reason was that the accused person herein is a flight risk as he has no known place of abode and that chances of him jumping bail are high.
2. This court set out the principles for grant and or denial of bail/bond in my earlier ruling and it is therefore not necessary to repeat them herein.
3. This court however found the averments by the prosecution to be unchallenged but cautiously and diligently called for a pre-bail report form the probation department to verify the said averments.
4. In a comprehensive report dated 28th November 2024, the probation officer confirmed that the accused person herein is indeed a flight risk. That his place of abode is unknown. Thus the accused is highly likely not to stand his trial if released on bail; hence a compelling reason as held in *S v Nyaruwiro & another*; (HB 262 - 17) HCB 12-17, XREF CRB 1454 A-B -17 (2017) ZWBHC 262; and the *Kenya Judiciary's bail and bond policy guidelines* March 2015 at paragraph 25(a).
5. Accused person has raised no issue with the probation officer's report. He only insisted on being granted cash bail which is even more risky than a surety bond, especially to an accused person whose place of abode is unknown.



6. I thus find a compelling reason to deny the accused person whose bond/bail and he shall remain in remand custody, unless another exceptional or unusual circumstances arises, which set themselves apart from the ones already canvassed in the application for refusal of bond/bail herein.

DATED SIGNED & DELIVERED AT NAKURU IN OPEN COURT THIS 10TH DAY OF DECEMBER 2024.

In the presence of:-

Janet C/interpreter

Smith present for prosecution

Accused person present

HON. A. NDEGE - SPM

Court - hearing on 28th May 2025 and mention on 24th December before the duty court.

HON. A. NDEGE - SPM

