



**Republic v Ramadhan (Criminal Case E001 of 2025)  
[2025] KEHC 15300 (KLR) (29 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15300 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VOI  
CRIMINAL CASE E001 OF 2025  
AN ONGERI, J  
OCTOBER 29, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**MUSTAPHA RAMADHAN ..... ACCUSED**

**RULING**

1. The learned Counsel for the Accused Person applied for release of the Accused Person on reasonable bond pending the trial of this case.
2. The Learned Counsel submitted that the Pre-bail Report described the Accused Person as a flight risk.
3. The Learned Counsel relied on the case of Sagaray & 3 Others =Versus= Republic (Criminal Case No. 61 of 2012) (2023) KEHC 2352 (KLR) (CR) and also the case of Michael Juma Oyamo & another =Versus= Republic Court of Appeal Criminal Case No. 113 of 2018 and stated that there is no cogent evidence that the Accused Person is a flight risk or that he will interfere with witnesses.
4. Further, that already seven (7) witnesses have testified and the Accused should be released on bond.
5. The Learned Prosecuting Counsel opposed the application and said that the Accused Person fled in a nearby County after the alleged incident in 2023 and he was arrested in the year 2024.
6. The Learned Counsel watching brief for the victim’s family also opposed bail and told the court that the mother of the victim is apprehensive that the Accused Person would disappear if released on bond.
7. Further, that she took a lot of time tracing the Accused Person.
8. I have considered the oral submissions by the parties in the application for bail/bond pending the trial of this case.



9. The right to be released on reasonable bail/bond pending trial is a constitutional right and the same can only be curtailed if there is a compelling reason not to grant the Accused Person bail.
10. Based on the constitutional presumption of innocence and the right to reasonable bail pending trial as enshrined in Article 49(1)(h) of the *Constitution* of Kenya, the primary consideration in a bail application is whether there exist compelling reasons to deny an accused person this right.
11. The jurisprudence from the Kenya Law Reports consistently affirms that the state or a complainant must present cogent evidence to justify the denial of bail.
12. In the precedent of *Sagaray & 3 Others v Republic*(supra), the High Court emphasized that the assertion that an accused person is a flight risk must be substantiated with concrete evidence and cannot be a mere speculative claim.
13. Similarly, in *Michael Juma Oyamo & Another v Republic*(supra), the Court of Appeal reinforced that for bail to be denied, the prosecution must demonstrate substantial grounds to believe that the accused will fail to attend trial or will interfere with witnesses.
14. In the circumstances, the Accused Person is alleged to have committed the offence on 2<sup>nd</sup> August 2023 but he was first arraigned in court on 20<sup>th</sup> February 2025.
15. It is not safe to release the Accused Person in the circumstances. The Pre-bail Report is not favourable.
16. The learned counsel watching brief for the family of the victim said that the mother of the victim is apprehensive that the Accused Person would disappear if released on bond. Further, that she took a lot of time tracing the Accused Person.
17. The application for release on bail/bond pending trial is dismissed. However, this court will expedite the hearing. The same proceed on 9<sup>th</sup> December 2025.

**DATED, SIGNED AND DELIVERED THIS 29<sup>TH</sup> DAY OF OCTOBER 2025 IN OPEN COURT AT VOI.**

**ASENATH ONGERI**

**JUDGE**

In the presence of:-

Court Assistants: Maina/Millicent

State Counsel: .....

Accused: .....

