



**Republic v Moi alias Namuriri (Criminal Case E059 of 2024)
[2026] KEHC 854 (KLR) (3 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 854 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE E059 OF 2024
AC BETT, J
FEBRUARY 3, 2026**

BETWEEN

REPUBLIC PROSECUTOR

AND

ROSE MALOBA MOI ALIAS NAMURIRI ACCUSED

RULING

1. The Accused Rose Maloba Moi alias Namuriri is charged with murder contrary to Section 203 as read with Section 204 of the Penal code. She took plea on 10/12/2024 and was remanded in custody until 21/1/2025 when she was admitted to bond of Kshs. 300,000/= with one surety of similar amount.
2. The Accused has not been able to meet the bond terms and on 25/3/2025 and 21/10/2025 after only one witness had testified, the Accused person applied for reive of the bond terms which application was opposed by the Prosecution.
3. The Prosecution had earlier argued that the Accused is charged with a serious offence and the bon terms issued by court are lenient.
4. The pre-bail report dated 9/6/2025 recommends a review of the bond terms on account of the fact that the Accused's person elder father is the only one who has a certificate of title and is willing to procure the release of an accused person from legal custody together with an undertaking that he or she will appear for trial.
5. It cannot be gainsaid that the primary consideration in an application for bond is that an accused person attends court. The need for a substantive security is an imperative where the charge against the accused is serious and the penalty heavy.
6. In the present case, the accused faces a serious charge with a possible death sentence within this jurisdiction, the standard practice is that the courts have been admitted murder suspects to bon with



one surety who must furnish the court with a security valued at Ksh. 300,000/=. In the past, there have been alternative terms where the accused is granted cash bail in the sum of Ksh. 150,000/=. However, in one or two instances, the Accused persons have absconded court after the cash bail was deposited thereby defeating the purposes of the cash bail.

7. The pre-bail report indicates that the Accused who is a widow, is a mother of six children who are in various stages of education ranging from Grade One to Busiangala Technical Institute. These children have since their mother's arrest been placed under the care of various relatives. These children have a reason of their mother's incarceration, suffered loss of maternal love and care.
8. Having painstakingly considered the application but being alive to the need to guarantee the Accused's attendance in court for the entire trial. I find that to reduce the bond sum would be a drastic departure from the common practice of this court and could result in abscondment by the Accused. However, it is in the interest of justice to ensure that the Accused is released on bond. The bond terms are hereby reviewed and varied. The Accused is released on bond of Ksh. 300,000/= with two sureties of Ksh. 150,000/= each.

DATED, SIGNED, AND DELIVERED AT KAKAMEGA, THIS 3RD DAY OF FEBRUARY 2026.

A. C. BETT

JUDGE

In the presence of:

Ms. Chala for the State/Prosecution

Mr. Khasiani for the Accused person

Court Assistant: Polycap

