



**REPUBLIC OF KENYA**

**IN THE CHIEF MAGISTRATE'S COURT AT NAKURU LAW COURTS.**

**CRIMINAL CASE NO E2141 OF 2025**

**REPUBLIC..... PROSECUTION**

**VERSUS**

**ROSELINE ODENDO.....1<sup>ST</sup> ACCUSED**

**JOSEPH INKEIYA MAROKO.....2<sup>ND</sup> ACCUSED**

**RULING**

1. The accused persons herein, Roseline Odendo, and Joseph Inkeiya Maroko, hereinafter referred to the 1<sup>st</sup> and 2<sup>nd</sup> accused respectively, were on 13/10/2025 charged with the offence of Assault Causing Actual Bodily Harm contrary to section 251 of the Penal Code. The particulars are that on 08/10/2025 at around 04.00pm at Kaptembwa area in Nakuru West sub-County within Nakuru County, jointly willfully and unlawfully assaulted Josphine Gesare thereby occasioning him actual bodily harm (sic).
2. At the time of the charge, the accused persons were out on Kshs. 10,000/- police cash bail. They absconded and did not appear in court for the plea.

Warrants for their arrest and forfeiture orders were issued against them. The matter was fixed for mention on 13/05/2026.

3. On 16/01/2026, the 1<sup>st</sup> accused person herein was arrested pursuant to the warrant. She informed the court that she absconded because her child was sick. That she thereafter came to court and was informed that the matter was slated for the mention on 13/05/2026. That she thus decided to go back and wait for the date. This court however called for a pre-bail report to verify the allegations.
4. The report dated 21/01/2026, has however returned serious findings. That the accused herein had previously absconded the police cash bail of Kshs. 10,000/- in this matter. That she had left Nakuru, running away from the charges against her herein. That she is a female adult aged 34 years old and a mother of three. That she however stays with only 1 of the children as the others were left with their father due to domestic differences. She has no known employment. Her immediate neighbors refer to her as a trouble maker. That she is not loved at all in the community. That the local administration has resolved several assault and other related cases in their offices involving her. That she had run away from town following her present charges when granted the police cash bail. That she is therefore a flight risk.

5. I am alive to the principle that underlie the issuance of bail and bond and this court must weigh the accused's right to liberty against the need to ensure her attendance at trial. I do therefore find that the accused person herein is not trustworthy as she had escaped from this court's jurisdiction to evade this trial. I thus do hereby find her unsuitable for a cash bail. As to bond, I find that she has poor community ties and do find the same sufficient to deny her bond. All in all, she is a flight risk and therefore not suitable for bail/ bond as that is a compelling reason. She shall thus attend to this matter while in remand custody, unless a change in circumstances arises. A P & C file may be opened and taken before the Children Court for the single child that she remained with, who may be rejoined with his father and the other siblings.

**DATED, SIGNED, AND DELIVERED THIS...12<sup>th</sup> .....DAY OF...**

February...., 2026

HON ALOYCE PETER NDEGE

**SENIOR PRINCIPAL MAGISTRATE**

*In the presence of;*

**Court interpreter: Wanyoike**

**Prosecution Counsel: Macharia**

**Kemunto present for Accused**

**Accused: Present**

**Victim: Absent**

Kemunto: We can take a nearer hearing date.

CT: Assault u/s 251 having been declared a misdemeanor, the proceedings herein can go on even in the absence of A2. He is presumed to have entered a plea of not guilty by his absence. Hearing on 13/3/26.

The prosecution to supply the defence with the witness statements on time before the hearing,

Kemunto: Praying to be supplied with a copy of the ruling.

CT: Certified copy of the ruling be supplied to the defense.