



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Mutai alias Babuu (Criminal Case E1565 of 2025)
[2026] KEMC 7 (KLR) (27 January 2026) (Ruling)**

Neutral citation: [2026] KEMC 7 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CRIMINAL CASE E1565 OF 2025
PA NDEGE, SPM
JANUARY 27, 2026**

BETWEEN

REPUBLIC PROSECUTION

AND

JAMES MUHORO MUTAI ALIAS BABUU ACCUSED

RULING

1. The accused, James Muhoro Mutai alias Babuu, has applied for bond review. He is charged with 2 counts of robbery with violence contrary to section 295 as read with 296 (2) of the Penal Code; gang rape contrary to section 10 of the *Sexual Offences Act* no. 3 of 2006 and, alternatively, indecent act with an adult contrary to section 11(1) of the same Act, in the 3rd count and, finally, having suspected stolen property contrary to section 323 of the Penal Code in the 4 counts herein
2. The particulars in the first, and the third and its alternative, counts are that on 26/07/2025 at Mazembe area in Nakuru West sub-County within Nakuru county, jointly with others not before court, while armed with an offensive weapon namely pangas and rungus, they robbed one Jenifer Ludung Lorot of his mobile phone make Tecno CC9 imei No 358617101359180 valued at Kshs. 23,000/-, cash Kshs 250, transferred Mpesa Kshs. 550/- and immediately after the time of such robbery used actual violence to the said Jennifer Ludung Lorot and further while in company of each other, they intentionally and unlawfully penetrated their penises, one after the other, in the vagina of the same female without her consent or, alternatively, they unlawfully and intentionally committed an indecent act to the same female by touching her private parts (vagina) with his genital organ namely penis.
3. In the second count, the particulars are that on the same date and at the same place, and in a similar manner, they robbed Brian Ochieng Ogodo of his mobile phone make Tecno Spark 20 imei No 353314338741521/39 valued at Kshs. 17,500/-, cash Kshs. 4,000/- and transferred Mpesa Kshs. 7,300/- and immediately after the time of such robbery, used actual violence to the said Brian Ochieng Ogodo.



4. In the fourth count, the particulars are that on the same date and at the same time, having been detained by No 119740 PC Job Ochieng as a result of the exercise of the power conferred by section 26 of the Criminal Procedure Code, he had in his possession 1 Lenovo laptop serial number R9-9F8XF10/12 Product Id 3XXXXXX2, reasonably suspected to have been stolen
5. I am guided by the Bail and Bond guidelines and Article 49(1)(h) of *the constitution* of Kenya, 2010 which provides that an arrested person has 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.
6. There are 2 Pre- Bail Reports presented to the court both which reveal that the accused has poor community ties. One of them recommends severe bond terms given the seriousness of the offences herein. I do agree and do therefore maintain the bond/ bail terms herein. Application for bond review therefore dismissed.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 27TH DAY OF JANUARY 2026

ALOYCE- PETER -NDEGE

SENIOR PRINCIPAL MAGISTRATE

In the presence of;

Court interpreter: Wanyoike

Prosecutions counsel: Macharia

Accused person: Present

Victims: N/A

Accused in Kiswahili: I have no statements.

Macharia: We shall avail the statements during the mention date. We take a further mention date for consolidation. I shall liaise with the I/O to avail the same during the mention.

Accused in Kiswahili: I have come each day from court three. We come for mentions each time. We take a hearing date.

Macharia: We can take a hearing date then.

CT: Hearing on 08/06/26. Mention within 14 days. The prosecution to avail the statements and documents on the mention date without fail.

