

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MAKADARA**  
**CRIMINAL DIVISION**  
**CRIMINAL REVISION NO E202 OF 2025**  
**DIRECTOR OF PUBLIC PROSECUTION .....**  
**APPLICANT**

**VERSUS**

**ABDI MOHAMED ABDULLAHI .....**  
**.....RESPONDENT**

**RULING**

1. By a notice of motion dated 25<sup>th</sup> September 2025, the applicant ODPP moved the court under certificate of urgency for revision of the order of the trial court on 23<sup>rd</sup> September 2025 granting the respondent herein bond on the grounds that the same had previously demonstrated a propensity to evade justice by fleeing to china thereby necessitating international extradition.
2. It was contended that the respondent was released on bond under terms that did not reflect the serious flight risk he represented and that there was real danger of the same absconding or interfering with witnesses.
3. The application was supported by an annexed affidavit sworn by PC Suleiman Mwatauri the Investigating Officer in which it was deposed that the prosecution had filed a comprehensive affidavit before the trial court detailing the compelling reasons to deny the respondent bail, which included but not limited to the fact that the subject matter of the charge involved kshs 60,000,000 and that the respondent had previously fled to china after committing the offence only for the trial

court to release the same on a bail of Kshs. four hundred thousand or bond of Kenya shillings one million with one surety.

4. It was deposed that the trial court based its decision on the fact that the respondent and the complainant were cousins and were attempting an out of court settlement which were irrelevant consideration for the grant or denial of bond.
5. The application was certified urgent and directions given on the hearing of the same by way of written submissions.

### **SUBMISSIONS**

6. On behalf of the applicant it was submitted that the respondent was brought to court after collaboration of both Kenya and China authorities after he left the country with the full knowledge that there was a complaint against him and had been summoned by the police for which he filed before this court a Miscellaneous Application no 047 of 2025 for anticipatory bail and therefore the trial court erred in failing to consider the material evidence that was presented to court that the respondent was extradited from China where he was a resident with a work permit. It was further submitted that the charge sheet read that he had been accused of obtain Kshs 60,000,000/= yet he was only released on cash bail of Kenya shillings four hundred thousand.

7. It was submitted that the prosecution was able to demonstrate compelling reasons to deny the respondent bail which the court ignored and only considered irrelevant material that the parties were family who were willing to settle the matter yet not supported by evidence on record.
8. The respondent did not file submission by the time of this ruling .

### **DETERMINATION**

9. In granting bond to the respondent the court had this to say “I am aware of another matter related to this one on the same charges which it is intended for consolidation with this case that is CR E 2086 /2025. In the said case, that is currently before court no 7, the accused persons therein also related to the accused and the complainant herein were granted bond terms of kshs 1 million with a surety of same amount or cash bail of 350,000 each. While I do proceed to consider granting the accused bond and bail terms the conditions attached thereto must be adhered to strictly  
.....”

10. As submitted by the applicant, it is clear that the trial court took into account irrelevant matters being the existence of another case which was not before it and which the parties therein had expressed the need to engage in out of court settle, there was no evidence presented before the court in support of any settlement in the case under review. It is also clear that the court

did not take into account the fact that the accused had a china residency and work permit and that the same was extradited from china which made him a flight risk.

11. It is clear to my mind that having ignored the compelling reasons stated herein, the court fell into error and therefore the decision herein cannot stand.

12. I therefore allow the application herein and set aside the decision granting the respondent bail. The bond granted herein is cancelled. The same shall be remanded in custody until the cause is heard and determine or in the alternative an amicable settlement thereon is reached and it is ordered.

**DATED SIGNED AND DELIVERED THIS 22<sup>ND</sup> DAY OF APRIL 2026**

**J. WAKIAGA  
JUDGE**

In the presence of