



**Republic v Wotuni (Criminal Case E013 of 2022)
[2025] KEHC 5424 (KLR) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5424 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAROK
CRIMINAL CASE E013 OF 2022
CM KARIUKI, J
APRIL 30, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

TITUS MARIPET WOTUNI ACCUSED

RULING

1. The Applicant, Titus Maripet Wotuni filed a notice of motion application dated 05/03/2024 pursuant to Articles 49(1)(h), 20, 21, 22, 23, 24, 25, 27, 28, and 29 of *the Constitution*. He is seeking to be granted bond pending hearing and determination of this suit after this Court (Hon. Gikonyo J.) on 18/05/2023 found compelling reasons not to release him on bail.
2. The application is supported by a supporting affidavit sworn by Titus Maripet Wotuni on 05/03/2024.
3. The applicant has been in remand since 12/07/2021.
4. According to the applicant, primary witnesses have testified.
5. The applicant avers that he will undertake to look for an alternative place of residence to avoid confrontation with the victims' family.
6. The applicant avers that he is married and blessed with 3 children and is the sole breadwinner of the said family.
7. The applicant contends that he is not a flight risk.
8. The prosecution is not opposed to the application.
9. An investigating officer, PC Eutyclus Muriuki, swore an affidavit on 11/03/2025. He averred that he has done his investigation, and his findings are that the tension between the two families has eased. He also averred that the key witnesses who are related to the accused have already testified, hence no



possible interference with the remaining witnesses. The investigating officer confirmed to this court that the accused person's life is not in danger of being wrenched by members of the deceased's family. The investigating officer also added that the accused person is not a flight risk since his place of abode has been identified and that of his family.

10. A pre-bail report dated 27/03/2025 was filed in court. The senior probation officer recommended that the court should exercise its discretion, given the mixed responses from both families and the community.
11. This court has considered the new developments; primary witnesses have testified, the bail report, and the investigation officer's affidavit.
12. Inter alia: -

‘In an application for review of the denial of bail, the applicant is under a duty to convince the court that there had been change of circumstances from the time when he was denied bail to warrant the court reviewing its earlier orders.’ (Republic v Francis Maina Wairimu (2020) eKLR).

13. And: -

‘The changed circumstances test is one of a common sense... to revisit the issue in the interest of justice not only for the accused but also for the complainant and the society at large... ‘ (Republic v Diana Suleiman Said & another (2014) eKLR)

14. In principle, an accused person is entitled to be released on bond on reasonable conditions, which should not be excessive or arbitrary, or oppressive, as the major objective of bond is to guarantee attendance of the accused at the trial. Nevertheless, the court should also ensure that the release of the accused on bond does not prejudice the trial. But, what amounts to reasonable terms and conditions depends on the circumstances of each case. Taiko Kitende Muinya -vs- Republic (2010) eKLR Ochieng J (as he then was)
 - i. It is apparent that the accused has been in custody since 28/07/2022 and he opines that he should be admitted to bond in the interest of justice.
 - ii. The circumstances of this case have changed to warrant his release on bond. In the circumstances of this case, a bond of Kshs. 500,000 (FIVE HUNDRED THOUSAND) with two sureties of a similar amount is reasonable.

DATED, SIGNED, AND DELIVERED AT NAROK THROUGH MICROSOFT TEAMS ONLINE APPLICATION THIS 30TH DAY OF APRIL 2025.

CHARLES KARIUKI

JUDGE

