Rebublic v Gachiku & 14 others (Criminal Case E019 of 2024)
[2025] KEHC 12449 (KLR) (8 September 2025) (Ruling)

Neutral citation: [2025] KEHC 12449 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT KIAMBU

CRIMINAL CASE E019 OF 2024

FR OLEL, J

SEPTEMBER 8, 2025

BETWEEN

REBUBLIC ..... PROSECUTOR

AND

PETER MUTHEE GACHIKU ..... 1ST RESPONDENT

JAMES KIBOSEK TANKI ..... 2ND RESPONDENT

JOSEPH KAMAU MBUGUA ..... 3RD RESPONDENT

SIMON MUHUGU GIKONYO ..... 4TH RESPONDENT

DAVID CHEPCHING KIPSOI ..... 5TH RESPONDENT

STEPHEN LUSENO MATUNDA ..... 6TH RESPONDENT

JOHN MWANGI KAMAU ..... 7TH RESPONDENT

PAUL NJOGU MURIITHI ..... 8TH RESPONDENT

HILLARY KIPCHUMBA LIMO ..... 9TH RESPONDENT

FREDRICK THUKU KAMAU ..... 10TH RESPONDENT

JOHN MACHARIA WANJIKU ..... 11TH RESPONDENT

JOSEPH MWENDA MBAYA ..... 12TH RESPONDENT

BONFACE OTIENO MTULLA ..... 13TH RESPONDENT

ELIKANA NJERU MUGENDI ..... 14TH RESPONDENT

MICHEAL KIPLANGAT BETT ..... 15TH RESPONDENT

RULING

A. Introduction

1. All the accused persons herein face three (3) counts of Murder contrary to section 203 as read with section 204 of the Penal Code (Cap 63) Laws of Kenya. On count 1, the particulars of the charge are that, on the night of 22nd July and the day of 23rd July 2022, near Ole Sereni Hotel along Mombasa Road within Nairobi county, jointly with others not before court, murdered Nicodemus Mwania Mwange.

2. On count two, the particulars of the charge were that, on the night of 22nd July and the day of 23rd July 2022, near Ole Sereni Hotel along Mombasa Road within Nairobi county, jointly with others, not before court, murdered Mohammed Zaid Sami Kidwai.

3. On count three, the particulars of the charge were that, on the night of 22nd July and the day of 23rd July 2022, near Ole Sereni Hotel along Mombasa Road within Nairobi county, jointly with others, not before court, murdered Zulfiqra Ahmad Khan.

4. From the record and pleadings filed, the accused persons were arrested on various days between 21st October 2022 and 5th June 2023 and were charged alongside others not before the court with the offence of abduction, in Kahawa Criminal Case No E124 of 2023. They applied for and were granted bail/bond, but the same was opposed by the state, who filed Kiambu Criminal Appeal No HCCRA / E107/2023 (Citation: The Republic Vrs Peter Muthee Gachiku & IP James Kibosek Tanki & 13 Others). Upon the said Appeal being heard on merit, it was dismissed, and the accused's right to reasonable bond/bail terms was upheld.

5. The state further appealed to the Court of Appeal against the High Court decision and applied for stay of the High Court bail decision pending the determination of the said Appeal, vide Criminal Application No E307 of 2024; Republic Vrs CI Peter Muthee Gachiku & 13 others. The said application too was heard on merit and dismissed vide the court's ruling dated 20th June, 2025.

6. Along the way, as the furious fight for bail/ bond terms was ongoing, simultaneously, all the accused persons were arraigned before this court on 20.06.2024 to answer to the charge of murdering the three deceased persons referred to in the information filed. They all took plea on 20.02.2025 and denied the charge levelled against them. Subsequently, a plea of not guilty was entered against each of the accused persons.

7. Before this court, the accused, through their counsels on record, made an oral application to be granted favourable bond/bail terms, which application was opposed by the state through an affidavit, sworn by SP Micheal Kirui. He deponed that the accused served at various security agencies, namely, DCI, NIS and KWS and through pain staking investigation, it had been established that all the accused persons had been deployed in a multi-agency security operation that led to the abduction and subsequent brutal murder of Mohammed Zaid Sami Kidwai, Zulfiqar Ahmed Khan and their driver Nicodemus Mwania Mwange which incident had occurred on the night of 22nd and 23rd July, 2023, between 01.03hrs to 01.07hrs along the southern bypass interchange at Ole Sereni.

8. He further deponed that the state was opposed to the accused being released on bail/bail based on the following reasons;

    a. That the offences leading to the triple murder were serious and egregious in nature, noting that they consisted of crimes against humanity as per the domesticated *International Crimes Act*

2008, for which the accused, if convicted, faced the death penalty. That was enough incentive for the accused to abscond/flee from the jurisdiction of this court.

b. That from the nature of the Jobs and positions held by all the accused persons, while in deployed to serve at the various security agencies, they had undergone extensive training on the use of firearms, surveillance, intelligence collection and counter intelligence, and the fact that they still held positions of influence was ground enough to create a well-founded fear for both the witnesses and investigators, noting that the accused too had sympathizers and accomplices who might impede the cause of justice.

c. That the accused still had in their possession government stores, including uniforms and Certificate of Appointment (C of A), which they or their agents could use to assume the status of actively serving security officers with full privileges and powers.

d. That the accused persons have a large sphere of influence, and the same had been confirmed by independent sources, who noted that the accused had mobilized police officers and NIS officers, who were sympathetic to their plight, and they had coordinated and held online meetings to subvert their prosecution, which meetings the accused used to attend via video conferencing.

e. Further, the accused had profiled the investigators herein and issued threats against them while attending court mentions/hearings at Kahawa Law Courts and true to their word, the investigating officers had, since the case began, noticed vehicular, foot and static surveillance at their place of work and residence, and thus had genuine apprehension regarding their security and/or well-being.

9. Accordingly, the combination of all the above grounds clearly pointed to the fact that the accused still had active spheres of influence, which could negatively impact on the prosecution of this case, by intimidation of witnesses and investigating officers, risk of flight by the accused persons to avoid the penal consequences they faced, should they be convicted and to that extent the prosecution averment that they had cumulatively established compelling reasons to have the court deny all the accused persons bond/bail pending hearing and determination of the murder trial.

10. The state's objection to bond/bail was opposed by all the accused persons. The 2nd accused person, on behalf of the 1st,3rd, 4th,6th,7th,8th,9th,10th, 11th, and 13th, filed his Replying affidavit dated 22nd August 2025 and deponed that the fact that they had been charged with the offence of murder did not necessarily mean that they stood condemned and were entitled to be presumed innocent until proven guilty.

11. Further, he did depone that despite the serious nature of the charge faced and the possibility of severe punishment, that in and of itself did not amount to compelling reasons the basis upon which they could be deny bail, as Article 49(1)(h) of *the Constitution* expressly guaranteed the right to bail unless the said compelling reasons were demonstrated.

12. The Judiciary Bail and Bond policy Guidelines (2015) also required the prosecution to demonstrate real risks of the accused person not attending court, due to factors like them not having a fixed abode, past failure to attend court or possession of means to flee the court's jurisdiction. In this instant, none of the above parameters had been demonstrated or shown to exist with respect to any of the accused persons. The prosecution's averments, the basis upon which they had opposed their bond application, were speculative and not supported by any evidence. They also urged the court to note that they were all Kenyan citizen with strong family and community ties within the court's jurisdiction, which anchored them to attend trial.

13. With respect to the prosecution's averments that they had previously intimidated witnesses, the accused person stated that they had not done so, and no proof of the same had been presented before the court to support that assertion. In any event, the state had the capacity and mechanism to ensure the safety of witnesses, which included ordering the return of badges, rifles, uniforms, and all police apparatus in their possession. The state could also place any crucial witness under witness protection program if they deemed it fit.

14. They reiterated that the prosecution's apprehension with respect to witness tampering had to be substantiated through specific and credible material, none of which had been provided for the court's assessment. They also acknowledged the country's obligation to enforce international law or treaties, but pointed out that, for purposes of bail proceedings, the same was inapplicable.

15. The accused persons thus urged the court to find that granting bail entails the striking of a balance of proportionality by considering the rights of the accused, who are presumed to be innocent at this point in time, and the public interest on the other hand. The cornerstone of the justice system was based on the fact that no one should be punished without the benefit of due process, or be incarcerated before trial, which would limit their rights as guaranteed under Article 49(1),(h) and 50(2),(a) of *the Constitution* of Kenya 2010.

16. Finally, the accused also pointed out that based on similar facts, other court of similar jurisdiction (Kiambu Criminal Appeal No HCCRA /E107/2023,(Citation: The Republic Vrs Peter Muthee Gachiku & IP James Kibosek Tanki & 13 Others) had upheld the magistrate's ruling granting them bail, and on appeal to the Court of Appeal against the High Court decision (Criminal Application No E307 of 2024; Republic Vrs CI Peter Muthee Gachiku & 13 others,) for the second time, the state's plea that the accused be denied Bond was rejected. They thus urged this court to dismiss the prosecution's objection to their being granted bond and proceed to grant favourable bond/ bail terms.

B) Determination

17. I have considered all the proceedings in this matter, the previous ruling on bond made by the High Court and the Court of Appeal, the pleadings filed herein with respect to this bond application and given due consideration to the submissions by the parties' respective Counsels.

18. Article 49(1)(h) of *the Constitution* provides that:-

    An accused person has the right ...

    (h) to be released on bond or bail, on reasonable conditions pending a charge or trial, unless there are compelling reasons not to be released.

19. *The Constitution* does not define what qualifies under the term "compelling reasons". The ordinary meaning according to Thesaurus English Dictionary of the word "compelling" is forceful, convincing, persuasive, undeniable and gripping. From this plain meaning, it is apparent that the court would consider any fact or circumstances brought to its attention by the prosecution which would convince the court that the release of the accused would not augur well for the administration of justice or for the trial at hand. The court would therefore, in my view, consider the circumstances of each case using commonly known criteria, primary of which is whether or not the accused will attend trial.

20. While *the Constitution* does not identify what qualifies under the term "compelling reasons", Section 123A of the Criminal Procedure Code gives the parameters for the grant of the right to bail as follows:

(1) Subject to Article 49(1)(h) of *the Constitution* and notwithstanding section 123, in making a decision on bail and bond, the Court shall have regard to all the relevant circumstances and in particular—

a. the nature or seriousness of the offence;

b. the character, antecedents, associations and community ties of the accused person;

c. the defendant's record in respect of the fulfilment of obligations under previous grants of bail; and;

d. the strength of the evidence of his having committed the offence;

(2) A person who is arrested or charged with any offence shall be granted bail unless the court is satisfied that the person— (a) has previously been granted bail and has failed to surrender to custody and that if released on bail (whether or not subject to conditions) it is likely that he would fail to surrender to custody; (b) should be kept in custody for his own protection.

21. The considerations in determining whether or not to grant bail are also set out in Kenya Judiciary's Bail and Bond Policy Guidelines, 2015, which sets out judicial policy on bail as follows:

The following procedures should apply to the bail hearing:

(a) The Prosecution shall satisfy the Court, on a balance of probabilities, of the existence of compelling reasons that justify the denial of bail. The Prosecution must, therefore, state the reasons that in its view should persuade the court to deny the accused person bail, including the following:

(b) That the accused person is likely to fail to attend court proceedings; or

(c) That the accused person is likely to commit, or abet the commission of, a serious offence; or

(d) That the exception to the right to bail stipulated under Section 123A of the Criminal Procedure Code is applicable in the circumstances; or

(e) That the accused person is likely to endanger the safety of victims, individuals or the public; or

(f) That the accused person is likely to interfere with witnesses or evidence; or

(g) That the accused person is likely to endanger national security; or

(h) That it is in the public interest to detain the accused person in custody.

22. The Nigerian Supreme Court (Justice Ibrahim Tanko Muhammad J.S.C.) also set out some essential criteria on the issue of whether to grant bail in Alhaji Mujahid Dukubo–Asari vs. Federal Republic of Nigeria S.C. 20A/2006 as follows:

> "...When it comes to the issue of whether to grant or refuse bail pending trial of an accused by the trial court, the law has set out some criteria which the trial court shall consider in the exercise of its judicial discretion to arrive at a decision. These criteria have been well articulated in several decisions of this court. Such criteria include, among others, the following:-
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> i. The nature of the charges;
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> ii. The strength of the evidence which supports the charge;

iii. The gravity of the punishment in the event of conviction;

iv. The previous criminal record of the accused if any;

v. The probability that the accused may not surrender himself for trial;

vi. The likelihood of the accused interfering with witnesses or may suppress any evidence that may incriminate him;

vii. The likelihood of further charges being brought against the accused;

viii. The probability of guilty;

ix. Detention for the protection of the accused;

x. The necessity to procure medical or social report pending final disposal of the case.

23. In Foundation for Human Rights Initiatives vs. Attorney General [2008] 1 EA 120 it was held by the Constitutional Court of Uganda that:

> " The context of article 23(6)(a) confers discretion upon the court whether to grant bail or not to grant bail. Bail is not automatic. Clearly the court has discretion to grant bail and impose reasonable conditions without contravening *the Constitution*. While the seriousness of the offence and the possible penalty which would be meted out are considerations to be taken into account in deciding whether or not to grant bail, applicants must be presumed innocent until proved guilty or until that person has pleaded guilty. The court has to be satisfied that the applicant should not be deprived of his/her freedom unreasonably and bail should not be refused merely as a punishment, as this would conflict with the presumption of innocence. The court must consider and give the full benefit of his/her constitutional rights and freedoms by exercising its discretion judicially....
>
> It is not doubted or disputed that bail is an important judicial instrument to ensure individual liberty. However, the court has to address its mind to the objective of bail, and it is equally an important judicial instrument to ensure the accused person's appearance to answer the charge or charges against him or her. The objective and effect of bail are well settled, and the main reason for granting bail to an accused person is to ensure that he appears to stand trial without the necessity of being detained in custody in the meantime. Under article 28(3) of *the Constitution*, an accused person charged with a criminal offence is presumed innocent until proved guilty or pleads guilty. If an accused person is remanded in custody but subsequently acquitted may have suffered gross injustice. Be that as it may, bail is not automatic and its effect is merely to release the accused from physical custody while he remains under the jurisdiction of the law and is bound to appear at the appointed place and time to answer the charge or charges against him."

24. However, where the prosecution satisfies the Court that there exist compelling reasons which justify the denial of bail or bond, then the Court will deny the same. Put differently, bail should not be refused unless there are sufficient grounds for believing that the accused will fail to observe the conditions of

his release. In S vs. Nyaruviro & Another (HB 262-17, HCB 122-17, XREF CRB 1454A-B-17) [2017] ZWBHC 262 (31 August 2017), the Court held that:

> " The refusal to grant bail and the detention of an accused in custody shall be in the interests of justice where one or more of the following grounds are established where there is a likelihood that the accused, if he or she were released on bail, will (i) endanger the safety of the public or any particular person or will commit an offence referred to in the First Schedule; or (ii) not stand his or her trial or appear to receive sentence; or (iii) attempt to influence or intimidate witnesses or to conceal or destroy evidence; or (iv) undermine or jeopardise the objectives or proper functioning of the criminal justice system, including the bail system... the ties of the accused to the place of trial; the existence and location of assets held by the accused; the accused's means of travel and his or her possession of or access to travel documents; the nature and gravity of the offence or the nature and gravity of the likely penalty therefore; the strength of the case for the prosecution and the corresponding incentive of the accused to flee; the efficacy of the amount or nature of the bail and enforceability of any bail conditions; any other factor which in the opinion of the court should be taken into account...In considering any question...the court shall decide the matter by weighing the interests of justice against the right of the accused to his or her personal freedom and in particular the prejudice he or she is likely to suffer if he or she were to be detained in custody, taking into account, where applicable, the following factors, namely (i) the period for which the accused has already been in custody since his or her arrest; (ii) the probable period of detention until the disposal or conclusion of the trial if the accused is not released on bail; (iii) the reason for any delay in the disposal or conclusion of the trial and any fault on the part of the accused with regard to such delay; (iv) any impediment in the preparation of the accused's defence or any delay in obtaining legal representation which may be brought about by the detention of the accused; (v) the state of health of the accused; (vi) any other factor which in the opinion of the court should be taken into account... In assessing the risk of abscondment, the established approach is for the court to assess this risk by first assessing the likely degree of temptation to abscond which the accused may face. To do this, one must consider the gravity of the charge because, quite clearly, the more serious the charge, the more severe the sentence is likely to be.

25. Therefore, in determining whether or not to free an accused person on bond/bail, the Court ought to take into account the circumstances of the accused as well as the reasons put forth by the prosecution to oppose bail/bond. The imposition of terms of the bail, if necessary, must similarly be for the purposes of ensuring the attendance of the accused at the trial and ought not to be based solely on the sentence that the accused stands to serve if convicted. It is therefore my view that the discretion to grant bail and set the conditions rests with the court.

26. Before I determine the grounds raised by the prosecution in opposition to bail, I note that they have regurgitated similar facts as previously raised before the trial magistrate in Kahawa Chief Magistrate's court, Criminal case No E124 of 2023, and also subsequently in Kiambu High Court Criminal Appeal No E107 of 2023, which upheld the trial Magistrate Ruling on Bond/Bail. An application filed before the Court of Appeal (COA Criminal Application No 307 of 2024) to stay the High Court ruling pending Appeal, too, was also dismissed by the said court.

27. Normally, the principle of res judicata would apply to estop the prosecution from raising similar issues already previously raised and determined by courts of competent jurisdiction. Be that as it may, given that the charge before the Magistrate court related to abduction and not murder, and secondly, given that the prosecution also filed a new affidavit opposing bail, the court, in the interest of justice, will

once again determine all the issues raised by the prosecution in opposing the release of the accused person on bail/bond pending trial.

28. Back to the case at hand, the prosecution has averred that due to the gravity of the offence the accused persons face, there was a great likelihood that they may flee from the jurisdiction of this court once freed on bond/bail and in the process scuttle their trial. The concerns raised are genuine, but it is common ground that previously, after being granted bond/bail before the magistrate's court, the accused persons had adhered to the bond terms and attended court.

29. The prosecution's fears must also be balanced with the fact that the accused are presumed innocent until it is proven otherwise. Therefore, the real question that the court must keep in mind is whether or not the accused will be able to attend the trial and whether or not a free and fair trial can be achieved notwithstanding the release of the accused on bond. In this regard, I do associate myself with the view expressed by R. Korir, J in Dwight Sagaray & 4 others vs. Republic, Millimani HCCRC No 61 of 2012, where she stated that;

> " Indeed, as stated earlier, the primary purpose of bail is to secure the accused's attendance at trial. The prosecution's apprehension is therefore a consideration not to be taken lightly. I have treated it with the seriousness it deserves and come to the considered view that the panacea for possible flight is not to automatically deny bail, but to impose stringent conditions that would attract attendance at trial."

30. Also, while tackling the same issue, Ochieng, J(as he was then) in Republic vs. Ahmed Mohammed Omar & 6 Others [2010] eKLR expressed himself as hereunder:

> " Meanwhile, before the High Court of Kenya, at Nakuru, my Learned Brother Emukule J., has also had occasion to grapple with an application for bail pending trial. He did so in Republic vs Dorine Aoko Mbogo & Another, Criminal Case No. 36 of 2010; His Lordship expressed the view that;

'Murder, (like) treason, robbery with violence or attempted robbery with violence are offences which are not only punishable by death, but are by reason of their gravity, (taking away another person's life, disloyalty to the state of one's nationality, or grievous assault or injury to another person or his property), are offences which are by their reprehensiveness, not condoned by society in general. It would thus hurt not merely society's sense of fairness and justice, and more so, the kith and kin of the victim, to see a perpetrator of murder, treason or violent robbery (committed or attempted) walk the street on bond or bail pending his trial. A charge of murder, treason, robbery with violence (committed or attempted) would thus be a compelling reason for not granting an accused person bond or bail.'

> Notwithstanding those remarks, the learned judge went ahead to grant bail in that case. I therefore believe that the judge did not, and could not have meant that once an accused person is charged with an offence punishable by death, that is reason enough to deny him bond or bail pending trial."

31. According I do find and hold that even though the charge faced is grave and carries heavy penal consequences, all the accused persons are presumed innocent unless proven otherwise. Further, it has also been established that they are all Kenyan citizens with strong family and community ties, which grounds them within the country, coupled with the fact that the court has the discretion to impose stringent terms to ensure that they attend court.

32. As regards the alleged threats to the witnesses, no evidence has been placed before me to show that the accused persons herein have acted in a manner that threatens the said witnesses. It is the duty of the State to ensure that all persons enjoy their fundamental rights, and this applies to both the victims and the accused persons. I associate myself with the opinion expressed by my sister Justice R. Korir in Rep vs. Dwight Sagaray & Others, High Court Criminal Case No. 61 of 2012, that:

> " For the prosecution to succeed in persuading the court on this criteria (of interference), it must place material before the court which demonstrates actual or perceived interference. It must also show the Court, for example, the existence of a threat or threats to witnesses; direct or indirect incriminating communication between the accused and witnesses; close familial relationship between the accused and the witnesses, among others..., at least some facts must be placed before the court, otherwise it is asking the court to speculate."

33. Further, there are in place constitutional and legislative imperatives to protect witnesses who are shown to be under real threat if an accused person is released. Therefore, the Court in making a determination must consider whether such safeguards, if invoked, are unlikely to have any impact on the safety of the witnesses. However, in that event, the Court must, as provided in Article 24(1)(e) of *the Constitution*, be satisfied that there are no less restrictive means to achieve the purpose other than the denial of bail. In other words, the Court is required to explore the possibility of achieving the primary objective of granting bail, which is the attendance of the accused at the trial, by imposing such conditions that would ameliorate the possibility of the exceptions being a hindrance to the fair trial.

34. The third issue raised by the state was that, beyond being flight risks, there were urgent concerns which mitigated against the release of the accused person on bond due to public safety/interest and national security. They emphasized that the accused persons possessed logical capacity, and reach to scuttle the case. Given the foregoing circumstances, granting the accused persons bail would erode public trust and reinforce impunity within the security apparatus. It would also strain diplomatic ties with India (where the deceased hailed from) and undermine public trust in the judicial system by the court appearing to shield powerful offenders from accountability.

35. On this score, again, though the concerns raised are valid, the same remain speculative. Even though the accused persons served with the security services, having been charged with the offence of murder, it is safely assumed that they were placed on suspension once charged in court and demobilized. Secondly, investigations in this matter are complete and a decision to charge has been effected. The question of scuttling investigations, due to their operational capacity, therefore does not arise.

36. Justice M. Warsame J, (As he was then) had the occasion to consider a similar issue, touching on bail being opposed based on grounds of national security concerns, in Republic Vrs Muneer Harron Ismail & 4 others (2010) KEHC 4096 (KLR), where he stated that;

> " The point I am making is that it is utterly repugnant to justice and fairness for one party in a dispute to arrogate himself so much power that he is able to deprive the other of his liberty merely on allegations of national security. If that were to prevail, the courts would be rendered powerless, toothless, mindless, it would be numb, it would have no mind, and it will be useless to say justice be our shield and defender.
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> Essentially it is the responsibility of the party who wants the court to rule in its favour to support his contention or allegations with reasonable and substantiated documentary evidence which even an ordinary man would say the person has a point and that his right must be on served and protected. What that means is that a heavy responsibility revolves on

the court to see that no person makes or attempts to endanger national security in a manner likely to prejudice the wider interest of the public. However, we cannot elevate a right of the state to enhance and preserve nationals ecuity over the right of an individual unless the evidence available supports the contention by the state. It is deeply wrong and only serves to evoke in the minds of the citizens that the state is a classified litigator when a dispute arises involving the state and an individual. Perhaps it is important to restate that it is a legitimate aspiration of every individual for dignity opportunity and equality before the corridors of justice. One may say that maybe it is not so in the corridors of power".

37. Having considered the material placed before me and the filed pre-bail reports for all the accused persons, I do find the allegations made against the accused do not amount to compelling reasons to deny them admission to bond or bail.

38. I also take cognizance of the Court of Appeal ruling in Criminal Application No E307 of 2024; Republic Vrs CI Peter Muthee Gachiku & 13 others, where the learned superior court Judges specifically penned off, while noting that, "ultimately and inevitably, as already adverted to, we were not convinced that two courts below erred in any way in finding that there were no compelling reasons for denying the respondents release on bail/bond". Accordingly, I see no impediment to their release on bond.

39. In the circumstances, I made the following orders:

    a. The accused persons may be released on a bond of Kshs 3,000,000.00 each with one surety each of similar amount to be approved by the Deputy Registrar of this Court.

    b. In the alternative, the accused can be released on deposit cash Bail of Kshs 1,000,000/=.

    c. In addition, all the accused persons will deposit their passports in court during the pendency of the case or until further orders of this Court. If any accused person has not acquired a passport, as part of the Bond approval process, they will swear an affidavit affirming the said fact.

    d. Pending trial, the accused persons will not leave the jurisdiction of this court (travel out of the country) without the express permission of this court.

    e. They shall attend the Court whenever required to do so without fail.

    f. They shall not contact or intimidate, whether directly or by proxy, any of the witnesses in this case as per the witness statements and other documents that have been supplied by the State to the defence.

    g. In the event that any of these conditions are violated, they are liable to have their bail cancelled and they shall proceed with the case while in custody

40. Orders accordingly.

41. It is so ordered.

RULING READ, SIGNED AND DELIVERED IN OPEN COURT AT KIAMBU THIS 8TH DAY OF SEPTEMBER 2025.

FRANCIS RAYOLA OLEL

JUDGE

DELIVERED ON THE VIRTUAL PLATFORM, TEAMS, THIS 8TH DAY OF SEPTEMBER 2025.

In the presence of;

..... For Accused

.....For Accused

..... For O.D.P.P

..... Court Assistant