



REPUBLIC OF KENYA

THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL CASE NO. 32 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

TERESIA MUENI KILONZO.....1ST ACCUSED

WYCLIFF OKWEBA ONCHIRI.....2ND ACCUSED

RULING

By a Notice of Motion dated 26th March, 2015, pursuant to the provisions of **Section 356 and 357** of the **Criminal Procedure code [Cap 75]** of Laws of Kenya, **Article 49 and 50** of the constitution and all the enabling provisions of the law, the applicant seeks orders:-

1. **THAT** the Honourable Court be pleased to grant and or admit the applicants to bail pending hearing and determination of the Criminal Case herein.
2. **THAT** the Honourable Court be pleased to grant other Orders as it deems fit and just.

The application is based on the grounds”-

1. **THAT** the applicants are citizens of Kenya, have fixed abodes, and are not flight risk.
2. **THAT** the applicants have never and have no intention of interfering with the witnesses in this matter.
3. **THAT** the applicants are ready to even report to the nearest police station as will be directed by the Honourable Court.
4. **THAT** the applicants are ready to comply with any condition given by this court if granted bail.

The application is predicated upon the affidavit of **Teresia Mueni Kilonzo** sworn on the 26th day of March 2015.

On behalf of the first applicant it was urged that she is a Kenyan citizen and hence not a flight risk.

That she has no intention of interfering with witnesses and is ready and willing to abide by any condition if granted bail.

On behalf of the second applicant it was urged that he is a Kenya citizen and hence not a flight risk.

That he has no intention of interfering with witnesses and is willing to abide by any condition if granted bail.

The prosecution relied on the affidavit of P.C Newton Limula sworn on the 21st day of July, 2015.

On behalf of the respondent/states, it was urged that the civilian witnesses, who were at the scene, are friends of the accused. Hence there is real possibility of interference with witnesses in the event the accused is released on bail.

That in that event, if the court is inclined to grant the accused persons bail. It should be after the civilian witnesses have completed giving evidence. Mention on 13/10/2015.

I have anxiously weighed the rivaling arguments. Having done so, I am of the persuasion that in the peculiar circumstances of this case, releasing the applicants on bond or bail at this stage would jeopardize the prosecution's case.

Accordingly the application if refused. However, the applicants are at liberty to renew the application once the civilian witnesses have completed giving evidence.

Dated and delivered at Nairobi this 29th day of September 2015.

N. R. O. OMBIJA

JUDGE



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