



**Republic v Musomba & another (Criminal Case E004 of 2020)
[2023] KEHC 23188 (KLR) (24 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 23188 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL CASE E004 OF 2020
TM MATHEKA, J
AUGUST 24, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

DOMINIC MUTINDA MUSOMBA 1ST ACCUSED

FRANCIS VAATI MWANIA 2ND ACCUSED

RULING

1. The accused persons were jointly charged with murder Contrary to section 203 as read with section 204 of the [Penal Code](#). It is alleged that on the night of 20th and September 21, 2021 at Mutula Village, Makueni Sub county within Makueni County jointly with others not before court murdered Francis Munguti Mutua.
2. They each denied the offence.
3. They were each admitted to bond of Kshs. 100,000 with similar surety of same amount/Cash bail of 200,000 on 11/2/2021.
4. By the time I took over on 12/7/2023 the matter neither of the accused had managed to get a surety raise the cash bail hence this review.
5. I have sought pre-bail reports - which were sent to me via email - filed on 8/8/2023. The only concern I have is with the report for Dominic that contains some contradiction - is one part it states that the family is afraid he is a flight risk - the other part says that the family is okay with his release on bond.
6. Evidently this could be from a cut and paste situation just - typo - but the general trend of the report is that the family of each of them, and the family of the victim and the community are all ready and willing to receive the accused at home on lenient bond terms.



7. I have carefully considered the reports and in accordance with article 49(1) (h) on reasonable bond terms - the bond terms are revised as follows
- a. Each accused person may be released on a bond of Kshs. 100,000 with one surety of similar amount or 2 sureties of Kshs. 50,000 each .
 - b. In the alternative Cash bail of Kshs. 100,000 each, with contacts, identity and introduction letter from the chief of the depositor

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 24TH AUGUST 2023

MUMBUA T. MATHEKA

JUDGE

