

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARISSA

CRIMINAL CASE NO. 9 OF 2020

REPUBLIC.....PROSECUTION

VERSUS

ABDIKARIM AHMED ADEN.....1ST ACCUSED

DAHIR HARUN BULLE.....2ND ACCUSED

RULING

1. Before court is an application on behalf of the two accused persons, **Abdikarim Ahmed Aden** and **Dahir Harun Bulle**.
2. The two are faced with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. It is alleged that on the 3rd of September 2020, at Magadera Refugee Camp in Fafi Sub-County of Garissa they jointly and unlawfully murdered one Mohamed Ali Mohamed, a charge they both deny.
3. They have moved this court seeking for bail pending hearing and determination of the case against them.
4. Bond is a constitutional right. One is denied bond only if there are compelling circumstances. Article 49(h) of the Constitution 2010 provides that an arrested person has the right to be released on bond or bail on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.
5. Considering the offence facing the accused persons and the circumstances relating to both said to be non-Kenyans and holding status of refugees, I will admit both of them to bond on the following terms;-
 - a. Bond of Ksh.700,000 with two Kenyan sureties of a like sum.
 - b. The two will appear for mention before the Deputy Registrar Garissa on the 5th of every month or on dates during the first week of every month as fixed by the Deputy Registrar until completion and determination of the case.

DELIVERED AND SIGNED AT GARISSA THIS 11th DAY OF FEBRUARY, 2021.

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ALI ARONI

JUDGE