



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

CRIMINAL CASE NO. 29 OF 2020

REPUBLIC.....PROSECUTOR

VS

KEVIN KEVERENGE alias BRIAN MAVUNDI.....ACCUSED

RULING

1. This is a Ruling on bail application. The accused was charged with the offence of murder. He pleaded not guilty. His trial commenced on 10th March, 2021 and thus far five prosecution witnesses have testified. The case is therefore part heard.
2. Accused’s application for bail is not opposed by the State.
3. Accused is 26 years old. He is unmarried. Until he lost his job in March, 2020, due to COVID-19 pandemic, he was a casual labourer at a flower farm in Limuru. The alleged offence occurred in Ndenderu where accused resided. His parents reside in western Kenya.
4. No doubt accused has a right to be released on bail. This right was discussed in the case of **REPUBLIC VS. FRANCIS KIMATHI (2017) eKLR** thus:-

*“I have considered this application. Needless to state that, by dint of the Constitution of Kenya, 2010, all offences are bailable. More specifically, Article 49 (1) (h) thereof 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. There may not be a scientific measure of what exactly amounts to compelling reasons as that would depend on the circumstances of each case. Except, however, compelling reason should be a reason or reasons which is rousing, strong, interests attention, and brings conviction upon the court that the accused person should be denied bail. Flimsy reasons will not therefore do. Therefore, the standard is high for it draws from the constitutional philosophy that any restriction of rights and freedoms of persons must be sufficiently justified given the robust Bill of rights enshrined in the Constitution. I need not aver-emphasize these matters except to cite the case of **R vs. JOKTAN MAYENDE & 3 OTHERS [2013] eKLR.**”*

5. DISPOSITION

Bearing the above in mind I order as follows:-

That the accused shall be released on his own bond of Kshs.1,000,000/= (One million) with one surety of Kshs.500,000/=.

RULING DATED, SIGNED AND DELIVERED THIS 22ND DAY OF APRIL, 2021.

MARY KASANGO

JUDGE

Coram:

C/A

Accused:

For the accused.....

For the prosecution.....

COURT

Ruling delivered virtually.

MARY KASANGO

JUDGE