



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. E035 OF 2021

BETWEEN

REPUBLIC.....PROSECUTOR

VERSUS

AMOS KIBUTHU NGIGE.....ACCUSED

RULING

1. **AMOS KIBUTHU NGIGE** is charged in this case with the offence of murder and he has sought from this Court he be released on bond/bail pending hearing of this case.
2. The bail application was not opposed by the State. According to the accused's counsel, the alleged murder is connected to a family land feud over land. It would seem that some members of accused's family are in favour of accused's release on bond/bail whilst others are not. There is however no compelling reason to deny accused his prayer for bond/bail.
3. The primary consideration in granting bond/bail is to ensure the accused does attend trial. See the case **REPUBLIC VS. ROBERT ZIPPOR NZILU (2018) eKLR** as follows:-

“18. I associate myself with the view expressed by Muriithi, J in KELLY KASES BUNJIKA VS. REPUBLIC (supra) that:

‘It is clear that the primary consideration for bail is whether the accused will attend his trial for the charges facing him, and it must, therefore, be a compelling reason if it is demonstrated that “the accused person is likely to fail to attend court proceedings”. The question in this matter becomes whether there is, on a balance of probabilities evidence that the accused is likely to abscond. The accused claims to have a good defence to the charge of escape from custody. The nature of such defence and evidence is not disclosed. The accused merely asserts his “constitutional right to be granted Bond/Bail on reasonable and favourable terms.’

19. From the constitutional point of view, however, an accused person has the right to be released on bond or bail, on reasonable conditions pending a charge or trial. This right can only be limited where it is shown that there exist compelling reasons not to be released.”

4. The accused's prayer for bond/bail finds favour with the court. Accordingly, I grant the following orders:-

(a) The accused *Amos Kibuthu Ngige* is granted bond of Kshs.500,000/= and one surety of similar amount pending his trial.

(b) At reading of this Ruling, a hearing date will be fixed.

5. Orders accordingly.

RULING DATED AND DELIVERED AT KIAMBU THIS 16TH DAY OF DECEMBER, 2021.

MARY KASANGO

JUDGE

Coram:

Court Assistant : Maurice

For DPP :- **Ms. Kathambi/Mr Kasyoka**

For Accused: - **Mr. Marube**

Accused : **AMOS KIBUTHU NGIGE: present**

COURT

RULING delivered virtually.

MARY KASANGO

JUDGE