



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. E038 OF 2021

BETWEEN

REPUBLIC.....PROSECUTOR

VERSUS

KEVIN KOTOLA FULA.....ACCUSED

RULING

1. **KEVIN KOTOLA FULA** has applied to be released on bond/bail pending his trial for the offence of murder.
2. The accused is a 25 year old man. The deceased in this case was his wife. They had a one year old boy. His family is willing to stand surety for him if he is granted bond.
3. **Article 49(1)(h)** of the Constitution provides that an arrested person shall be granted bond/bail on reasonable conditions unless there are compelling reasons. The court, however, retains discretion on whether to grant bond/bail: See **REPUBLIC VS. MILTON KABULIT & 60 OTHERS (2011) eKLR** as follows:-

“My understanding of Section (sic) 49 (1) (g) (h) is firstly, that the right of an arrested person to bond or bail in respect of any offence is solely at the discretion of the court seized of the application. Secondly, the only accused entitled to a right to an automatic bond or bail are those charged with offences (which may be referred to as “petty offences”) the punishment of which if found guilty and convicted) is either a fine only, or imprisonment for a term of less than six months”

4. There are no compelling reasons to deny the accused bond/bail. Accordingly, this Court grants the following orders:-
 - a. **Kevin Kotola Fula** is granted bond of Kshs.500,000/= with two sureties of similar amount.
 - b. At the reading of this Ruling, a hearing date will be fixed of this case.

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

MARY KASANGO

JUDGE

Coram:

Court Assistant : M aurice

For DPP :- **Kathambi/Kasyoka** - Present

For Accused :- **Miss Gathua** – Not present

Accused **Kevin Kotola Fula** - Present

COURT

RULING delivered virtually.

MARY KASANGO

JUDGE