

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NUMBER 33 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

SAMSON SHIRURI KHASAVULI.....ACCUSED

R U L I N G

The accused person was charged with **Murder Contrary to Section 203 as read with Section 204 of the Penal Code.**

It is alleged that on 2nd July, 2017 at Mzee Wanyama Trading Centre Estate in Nakuru East Sub-County within Nakuru County he murdered Margaret Mbaire Kamau. He pleaded not guilty and as per **Article 49(1) (b) of the Constitution** he is entitled to bond. I requested for a Pre-bail report which was filed on 30th January, 2020. It took into consideration the family background, the views of the community and the victim's family.

It is apparent from the report that the accused would not be welcome in the Mzee Wanyama Trading Centre Estate community, as that is where the offence happened and the community is hostile. In addition the family of the victim who are residents in that are still bitter and hostile towards the accused person. The family of the accused are willing to stand surety for him should he be granted bond. They have identified a relative who lives in Nairobi who can accommodate him away from the hostilities of the place where the incident happened, this is good as they have expressed sensitivity towards the victim's family even their son is innocent until proven guilty. The accused is admitted to bond of Kshs. 300,000/= with surety of similar amount. The surety to be approved by the Deputy Registrar.

The accused to stay away from Mzee Wanyama Trading Centre Nakuru East Sub-County pending the hearing and determination of this case or further orders of this court.

Dated, delivered and signed at Nakuru this 24th day of February, 2020.

Mumbua T. Matheka

Judge