



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KERICHO**

**CRIMINAL CASE NO.23 OF 2019**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**WILLY MASIKA WAFULA.....ACCUSED**

**RULING ON BAIL**

1. In this matter where the accused person stands charged with murder contrary to section 203 as read with section 204 of the Penal Code, the accused has filed an application dated 31<sup>st</sup> July 2019 for bail through counsel Kemboi and Cosmas advocates.
2. A pre-bail report was later filed prepared by Daniel K. Ngetich – Probation Officer Kericho dated 30<sup>th</sup> October 2019 in which it was recorded that the accused was a person of fixed abode and not a flight risk.
3. The Assistant Director of Public Prosecutions Mr. Ayodo has relied on the pre-bail report.
4. Under Article 49(1) (h) of the Constitution of Kenya 2010, every arrested person has a right to be released on bail or bond on reasonable conditions unless there exist compelling reasons for denial of bail. The Article provides as follows -

***49(1) An arrested person has the right.***

***(h) to be released on bond or bail, on reasonable conditions, pending charge or trial, unless there are compelling reasons not to be released.***

5. In the present case, the state has not brought to this court any reasons for denial of bail. They have relied on the pre-bail report which recommends release of the accused person on bail. I myself do not see any compelling reason to deny the accused person bail.
6. Thus allow the application and order as follows–
  1. The accused person herein will be released on signing his own bond of Kshs.300,000/= with one surety of similar amount.
  2. In the alternative, he will be released on paying cash bail of Kshs.200,000/=.
  3. He will not interfere with prosecution witnesses.
  4. He will attend every mention and hearing of the case until the case is finalized.

**Dated and delivered at Kericho this 12<sup>th</sup> March 2020.**

**GEORGE DULU**

**JUDGE**