

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL CASE NO. 17 OF 2020

REPUBLICPROSECUTOR

~VS~

1. SWALEH NGALA MWATELA

2. NZOLE CHOMBO MWANANJIRA.....ACCUSED

R U L I N G

1. The accused persons Swaleh Ngala Mwatela and Nzole Chombo Mwananjira are jointly charged with the offence of Murder Contrary to Section 203 as read with Section 204 of the Penal Code Chapter 63 of the Laws of Kenya.

2. Particulars are that the accused persons on the 26th day of June, 2020 at Lutsangani village in Mwatate Locatio within Kwale County jointly with others not before court murdered MANGALE KENGO MENZA.

3. The 2 accused persons pleaded not guilty to the charge and the court called for prebail report which was duly filed on 9th December 2020 recommending their release on bond pending trial as they are not a flight risk being elderly people with fixed abate. Since the investigating officer has not shown any affidavit of compelling reasons why the accused should be denied bond as stipulated under Article 49(1) (h) of the constitution, this court therefore, grants each of the accused persons bond of Kshs.500,000/= each with a surety of a similar amount. The DR on examination and approval of surety should make sure the Investigating Officer does a background check of surety for ease of tracing.

5. Orders accordingly.

Dated, signed and delivered online by MS TEAMS, this 16th day of December 2020

HON. LADY JUSTICE A. ONG'INJO

JUDGE