

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL CASE NO. 23 OF 2018

KAMBUA KITHOME.....1ST APPLICANT

MARY VITI KAMBUA.....2ND APPLICANT

LINA MUTETI.....3RD APPLICANT

JOSPHAT MULAKI MUTUA.....4TH APPLICANT

HARRISON KIETI JOHN.....5TH APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

1. The Applicants herein seek to be released on bail pending trial.
2. The Application is based on grounds that the Accused persons are members of the same family with a fixed abode which they will not leave until the case is heard and determined; they are ready to be reporting to the Investigation Officer, should bail terms require, the community they hail is not against their release therefore there is no threat to their lives and they are ready and willing to participate in trial until the end.
3. In response, the State through the Prosecuting Counsel, **Mr. Mamba** deposed an Affidavit where he averred that the charges are serious and the Accused/Applicants are likely to interfere with witnesses to be called.
4. In the case of **Panju vs. Republic (1973) EA 282** it was held that where an allegation of interference with witnesses is used as a ground of opposing release on bail, the Prosecution must produce evidence.
5. The State did not adduce any evidence to demonstrate that the Accused may interfere with witnesses. That being the case I grant each Accused bond of **Kshs. 800,000/=** with a surety in an even sum.
6. It is so ordered.

Dated, Signed and Delivered at Kitui this 30th day of April, 2019.

L. N. MUTENDE

JUDGE