

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL CASE NO. 27 OF 2018

GICHIAH NDISHU SAMWEL.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

1. **Gichiah Ndishu Samwel**, the Applicant, is charged with the offence of **Murder**. He has approached this Court by way of Notice of Motion seeking bail pending trial.
2. The Application is premised on grounds that the Applicant is a father of six and the only breadwinner with a fixed abode which he will not leave until the matter is heard and determined; he resides within the jurisdiction of the Court and is ready to be reporting to the Investigating Officer; the community where he hails from is not against his release and as such there are no threats to his life; and he is willing to participate in the trial till the end.
3. The Application is unopposed. The State through learned Counsel **Mr. Mamba** urged that they have no compelling reasons that would make them oppose the Applicant's release on bail.
4. I do note that the Deceased was the Applicant's second wife and they had two (2) children of the marriage who have been taken in by their two (2) paternal aunts.
5. I have taken into consideration the pre-bail report. It is stated that the Accused is not a flight-risk and does not pose any danger to the community. His father is willing to be his surety.
6. According to **Article 49(1)(h)** it is an Accused person's constitutional right to be released on bail unless there are compelling reasons. Since the State has absolutely no reason to require his incarceration during pendency of the case, he shall be released on bond of **1 million** with a surety of a similar sum.
7. It is so ordered.

Dated, Signed and Delivered at Kitui this 25th day of June, 2019.

L. N. MUTENDE

JUDGE