

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITUI

CRIMINAL CASE NO. 37 OF 2018

WJM ALIAS MS.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

1. **WJM alias MS**, a child in conflict with the law, was arraigned in Court for the offence of **Murder**.
2. He seeks to be released on bail pending trial on grounds that he has been in police custody since **19th November, 2018**; he is a student in **[particulars withheld] Secondary School** in **Kitui Central Sub-County** and was to join form two (2) at the beginning of the year; he stays with his parents in **[particulars withheld] Village, Kyangwithya West Location** in **Kitui Central**; the area of jurisdiction that he shall not leave as he is not a flight risk.
3. The Application is not opposed, save that the Prosecuting Counsel, **Mr. Gesire** urged the Court to consider the fact of the victim having been a student at the school that the Applicant attends which would require him not to go back to that school.
4. Bail is a constitutional right unless there are circumstances that require the Applicant's incarceration. **(See Article 49(1)(h) of the Constitution)**.
5. In this case no compelling reasons exist that would call for the Applicant being denied bail. It was the recommendation of the Probation Officer that the Applicant be granted bail on reasonable terms as he does not pose any danger to the community since he has never been associated with any criminal activities.
6. From the foregoing I grant the minor bond of **Kshs. 200,000/=** with a surety in alike sum.
7. It is so ordered.

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

L. N. MUTENDE

JUDGE