



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**CRIMINAL CASE NO. 53 OF 2016**

**REPUBLIC ..... PROSECUTOR**

**-VERSUS-**

**MIRITI M'THUMATIA THARAMBA.....1<sup>ST</sup> ACCUSED**

**FRANCIS MWENDA ..... 2<sup>ND</sup> ACCUSED**

**ROMANO MUGAMBI ..... 3<sup>RD</sup> ACCUSED**

**JULIUS KIRIMI M'MWITARI ALIAS (MALAYA) ..... 4<sup>TH</sup> ACCUSED**

**RULING**

I have considered the application for bail/bond by the accused. Bond is a Constitutional right of every accused person unless there are compelling reasons under Article 47 of the Constitution. In the present case, I have considered the pre-bail reports on each accused as follows:-

**1<sup>st</sup> Accused:** There are exceptional circumstances. He is a flight risk as he has previously jumped bail.

**2<sup>nd</sup> Accused:** There exists no exceptional circumstances.

**3<sup>rd</sup> Accused:** There exist exceptional circumstances. If it is alleged that he had disappeared after the incident and the likelihood of him being a flight risk is real.

**4<sup>th</sup> Accused:** There are no exceptional circumstances.

Accordingly, the 2<sup>nd</sup> and 4<sup>th</sup> accused persons may be released on a personal bond of KShs.200,000/= with a surety of a similar amount while bond is declined as relates the 1<sup>st</sup> and 3<sup>rd</sup> accused. They shall remain in custody throughout their trial. Mention on 17/7/2018 to give a date for trial.

**DATED and DELIVERED at Meru this 25<sup>th</sup> day of January, 2018.**

**A. MABEYA**

**JUDGE**

**25/01/2018**