



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KITUI**

**HCR. CASE NO.30 OF 2016**

**PHILLIP ISIKA TITO.....APPLICANT**

**-VERSUS-**

**REPUBLIC.....RESPONDENT**

**RULING**

1. **Phillip Isika Tito**, the Accused approached this court by way of Notice of Motion dated the **13<sup>th</sup> day of July 2017** seeking to be released on bail pending trial.

2. The Application is premised on grounds that, the Accused is a married man and employee of the County Government of Kitui with a fixed abode which he will not leave until the case is heard and determined, that the community from where he hails is not against him therefore there are no threats to his life and he is ready and willing to participate in the trial to the end.

3. The State/Respondent filed a response. **NO. 235072 IP Julius Omari** deposed an affidavit stating that witnesses in the matter are well known to the Accused therefore there was a likelihood of accused interfering with investigations.

4. Counsel for the Accused filed submissions following directions given by the court where he stated that the case arose out of an unclear circumstances surrounding a road traffic accident and all the persons who were with the Accused recorded statements.

5. There were no reasons to have the accused denied bail which is a right as investigations were concluded on **28.12.2016**.

6. When the matter came up for mention today, **Mr. Mamba, learned State Counsel** notified the court that families of the deceased and accused met and resolved issues surrounding the case therefore the state did not have any objection to the Accused being released on bail.

7. Bail is a Constitutional right. A person can only be denied if there are compelling reasons requiring incarceration. The Primary consideration is whether the Accused will turn up for trial.

8. It has been averred that the Accused is in gainful employment and resides at his home which is a fixed abode. In the circumstances, I have absolutely no reason to deny him bail. In the premises, I grant him **bond of Kshs. 500,000/= with a surety in a similar sum.**

9. It is so ordered.

**Dated, signed and delivered in Kitui this 20<sup>th</sup> day of March, 2018**

**L.N. MUTENDE**

**JUDGE**