



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

CRIMINAL CASE NO. 3 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

LKITEKU LEKARATO.....ACCUSED

RULING

1. LKITEKU LEKARATO is charged with the offence of murder Contrary to **Section 203 as read with Section 204 of the Penal Code**. He pleaded not guilty.

1. The court, by this Ruling, is considering the accused's application for bail pending trial.

2. The accused's Learned Counsel Ms. Mbiti informed the court that the accused is a family man with a child that depends on him. She sought that the accused be given favourable bail terms.

3. The court received a prebail probation report dated 23rd February 2018. By that report it becomes clear that the accused has not been home for the last two years. He is a herd's man. He spends his time herding his animals. The probation officer in conducting interviews found out that the accused has strained relationship with his family and community members.

4. The pre bail probation report is unfavourable on the accused being released on bail. The reason for that negative report is, firstly that the accused, on three separate occasions, misdirected the probation officer of his family home. He told the Probation Officer on those different occasions that his family was settled in Samburu. Finally he informed the officer that his family comes from Marsabit, where the Probation Officer was finally able to trace the family.

5. Secondly, the victim's family, that is the family of the deceased, are opposed to the granting of bail of the accused because they are of the view he intends to abscond and because of his violent disposition.

6. **Article 49 (1) (h) of the Constitution** provides that an arrested person has the right to be released on bond or bail, on reasonable conditions pending charge or trial.

7. I have considered the accused application for bail. I am persuaded by the Probation Officer's report that the accused is a flight risk if released on bail. The accused falsely informed the probation officer of his home address. He has, in any case, not been to his family home now for two years. As a consequence his marriage broke down. The accused is therefore not suitable to be released on bail.

8. The accused application for bail is hereby dismissed. At the reading of this Ruling a date for mention shall be fixed.

Dated and Delivered at Nanyuki this 11th APRIL, 2018

MARY KASANGO

JUDGE

Before Justice Mary Kasango

Court Assistant: Njue

Accused: Lkiteku Lekarato

For accused.....

For state:

Language

COURT

Ruling on sentence delivered in open court

MARY KASANGO

JUDGE