

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL CASE NO. 11 OF 2018

EMMANUEL KELLY PATRICK.....ACCUSED/APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

1. By an application dated the 24th day of **September, 2018**, the Applicant, **Emmanuel Kelly Patrick** seeks to be released mon bail pending trial on the grounds that he is a student with a fixed abode which he will not leave. That he is ready to be reporting to the Investigation Officer should bail terms require so and to abide with other bail terms to be set.
2. That he is running his own business after dropping out of college due to financial constrains therefore he risks losing focus on the business that he was building.
3. In response the State through State Counsel **Mr. Mamba** stated that there were no compelling reasons that would require the Accused/Applicant to be denied bail.
4. Principles upon which an Accused is released on bond pending trial are stipulated in **Article 49(1)(h)** of the **Constitution** that provides thus:

“(1) An arrested person has the right—

(h) to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.”

5. Bail pending trial is a constitutional right and since there are no compelling reasons why the Accused/Applicant should be incarcerated, he is hereby granted bail of **Two (2) Million Shillings (Kshs. 2,000,000/=)** with a surety of similar sum.
6. It is so ordered.

Dated, Signed and Delivered at Kitui this 27th day of September, 2018.

L. N. MUTENDE

JUDGE