

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL CASE NO. 18 OF 2015

PETER CHARLES SYANDA.....1ST ACCUSED/APPLICANT

VICTOR NDALI CHARLES.....2ND ACCUSED/APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

1. **Peter Charles Syanda** (1st Applicant) and **Victor Ndali Charles** (2nd Applicant) are charged with the offence of **Murder** contrary to **Section 203** as read with **Section 204** of the **Penal Code (Cap 63) Laws of Kenya**. They seek to be released on bail pending trial.

2. In their respective applications dated 27th day of **September, 2018**, they have stated that ends of justice would require their release on bail. That following their arraignment in Court they have not been furnished with the postmortem report, a fact that waters down the strength of the case. That there is no evidence of character, antecedents, associations and/or community ties in relation to the Applicants that can be prejudicial to their admission to bail.

3. In response, the State through learned State Counsel, **Mr. Mamba** did not oppose the Applicants' release on 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 Accuseds/Applicants should be incarcerated, each Accused/Applicant 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