



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 14 OF 2017**

**PETER MUTUA ISAAC.....ACCUSED/APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

1. By way of Notice of Motion dated the **18<sup>th</sup>** day of **September, 2018**, the Accused (Applicant) seeks to be released on bail pending trial.
2. The application is premised on grounds that the Applicant is a Kenyan Citizen entitled to reasonable bond/bail term to the discretion of the Court and that he will abide with terms set by the Court.
3. The Applicant deposed an affidavit in support of the application stating that he was arrested while on the course of his routine duties. That he will not abscond from the jurisdiction of the Court or frustrate police investigations and bail is a constitutional right.
4. In response the State through learned Counsel **Mr. Mamba** did not oppose the release of the Accused on bail but called upon the Court to consider the seriousness of the offence and impose stringent bail terms and that the Applicant should undertake not to interfere with the Prosecution witnesses.
5. 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.”*

6. 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.
7. It is so ordered.

**Dated, Signed and Delivered at Kitui this 26<sup>th</sup> day of September, 2018.**

**L. N. MUTENDE**

**JUDGE**