



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KITUI**

**CRIMINAL CASE NO. 18 OF 2017**

**JOHN MUINDI KAMAU *alias* RASTA...1<sup>ST</sup> ACCUSED/APPLICANT**

**TITUS KAMAU MUINDI.....2<sup>ND</sup> ACCUSED/APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**R U L I N G**

1. **John Muindi Kamau *alias* Rasta** and **Titus Kamau Muindi** are charged with the offence of **Murder**. They seek to be released on bail pending trial on reasonable terms.

2. The application is premised on grounds that they denied the information read to them, they are Kenyan Citizens hence entitled to bail.

3. In affidavits in support of the application they demonstrated that detaining them was in violation of their constitutional rights and stated further that they have no intention of relocating to another country.

4. In response the Prosecution Counsel called upon the Court to

be minded of the seriousness of the offence and hence impose stringent terms.

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/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.

7. It is so ordered.

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

**L. N. MUTENDE**

**JUDGE**