

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NO. 71 OF 2016

REPUBLIC.....STATE

VERSUS

PETER MBUGUA KUNG'U.....ACCUSED

RULING

Counsel for the subject Mr. Obutu has applied that the subject be released on bond. Mr Chigiti for the State strenuously opposed the application. I have considered the submissions made by both counsel on this question of bond, I have also perused the pre-bail report prepared by the Probation Department. I am mindful of the fact that bail is a constitutional right.

The court did question the subject's father who seemed reluctant to have the subject released on bond. The subject is a minor who is still under the care of his parents. The court sensed a reluctance by the family to accept him back into the home as the incident involved family members. In that case the subject would have nowhere to go while awaiting trial.

In the circumstances I decline at this initial stage to admit the subject to bail. I direct that he be remanded at Nakuru Juvenile remand home. The bond application may be renewed after family members have testified.

Dated in Nakuru this 27th day of February 2017.

Mr. Obutu for Accused

Mr. Chigiti for State

Hearing on 30/3/2017.

Maureen A. Odero

Judge