



REPUBLIC OF KENYA.

IN THE HIGH COURT OF KENYA AT NYAMIRA.

HCCR CRIMINAL CASE NO. 63 OF 2015.

REPUBLIC.....APPLICANT

V E R S U S

EVERLYNE KEMUNTO MOTI....RESPONDENT

YUNIA KERUBO AKAMA.....RESPONDENT

R U L I N G.

This is an application for bond by the two accused persons. The application was made **on 02/02/2017** by their **Counsel, Mr. Bwonwonga.**

The accused persons, Evalyne Kemunto Moti and Yunia Kerubo Akama were charged for murder contrary to **Section 203** as read with **Section 204** of the **Penal Code.**

The particulars thereof being that **on 19th September, 2015** at Miruka village within Nyamira County in the Republic of Kenya, jointly murdered **NANCY KWAMBOKA.**

They both denied the charge.

The hearing of their matter commenced **on 17th/08/2016**, so far two witnesses have testified.

And therefore, pending the hearings of their case, they now seek bond so that they can attend court from their respective home.

Bond is a constitutional right. Article 49 (i) (h) says: **An arrested person has the right to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.**

The prosecution raised no compelling reasons. In fact he left the matter to the discretion of the court.

In view hereof, this court proceeds to admit the two accused persons to bond as follows:-

1) Ksh. 1,000,000 each with two sureties each of the same amount. The same to be approved by the Deputy Registrar of this court, the bond will be based on the following terms:

1. Attend court on each occasion for the mention of this case without fail.
2. Any one default, the sureties will be called to account and the bond shall be cancelled

forthwith.

The first such mention to be on **11th May, 2017**.

This to be the position until their case is heard and determined or by any changes as ordered by this court.

Orders accordingly.

Dated at Nyamira this 24th day of April 2017.

C.B NAGILLAH

JUDGE

In the Presence of:-

Bwonwonga for the accused persons.

Otieno for the state.

Mercy - Court Clerk.