



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CRIMINAL CASE NO.42 OF 2017

REPUBLICPROSECUTION

VS

TIMOTHY MICHUBU M'MWIRA.....ACCUSED

RULING ON BOND

The accused Timothy Michubu M'Mwira was charged with the offence of murder contrary to section 203 as read with section 204 of the penal code cap 63 Laws of Kenya.

Particulars are that Timothy Michubu M'Mwiria on the 27th day of May 2017 at Miriine Village Antuambui Location in Igembe North Sub county within Meru County murdered Elijah Michubu.

Upon accused person pleading not guilty to the offence of murder his counsel applied that he be released on bond and the court called for social inquiry report.

The report was filed on 1st day of August 2017 and J. M Kagucia -S/County Probation Officer Igembe District was of the opinion that accused was not suitable to be released on bond because his part record was full of various crimes in his home area and the neighbourhood.

That most crimes went unreported for fear of revenge by the accused. That all the people interviewed except accused persons relatives talked ill of him stressing that he is a thorn in the flesh in the entire community.

The village elder confirmed the fear expressed by members of the community and said accused is unwanted in his home area due to bad activities that are said to pose a serious security challenge to members of the public.

The accused under Article 49(i) (h) of the constitution is entitled to release on bond pending trial but the right is not absolute. The offence was committed on 27th May 2017.

This is very recent and from the social inquiry it is apparent the relatives of the deceased have not healed from the loss of their kin and it would therefore not be prudent to risk the life of the accused by releasing him when the community and relatives of the deceased are against it considering the report by Social inquiry. The application for bond is therefore declined. The accused will face trial while in custody. The trial will be expedited to avoid unnecessary incarceration for long.

Ruling Signed, Delivered and Dated this 21st Day of September 2017.

HON. A.ONG'INJO

JUDGE

In the presence of:

C/A :

Accused :- Accused – Present in person

Mr Munene Advocate for accused – N/A

Mrs Mwathi for state.

Order

Mention 3.11.2017 for hearing date.

Respondent:-

HON. A.ONG'INJO

JUDGE