

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO 61 OF 2016

REPUBLIC

Versus

KARUMBA LONGONYEK.....ACCUSED

RULING

Bail

[1] On 18th September, 2017, Mr.Wamache, the legal counsel for the accused person applied for her client to be released on bail which is his constitutional right. The prosecution did not oppose his release on bond, except they insisted that he should be released on adequate security being provided. They opposed release on cash bail because the area he comes from is vast and posed real possibility of him absconding.

DETERMINATION

[2] I have considered the pre-bail report dated 4th July 2017. It recommends the accused to be considered for release on bond with adequate security. I note from the report that the accused is polygamous with two wives and ten children. Some children are young and others are in primary school. It also seems that there is healed or cordial relationship among the clan members. At this juncture I should state that the vastness of the area a person comes from should not be interpreted to mean that the person will abscond.This is just a geographical reality. The prosecution should adduce cogent evidence with specific details which shows that the person will abscond rather than making a generalized statement that due to the vastness of the area he comes from, there is real possibility of absconding. In this case, I find nothing in the report which indicates that the accused is a flight risk or is likely to abscond. Therefore, there is absolutely no compelling reason which would prevent the release of the accused on bond or bail upon reasonable terms in accordance with article 49(1) (h) of the Constitution. The purpose of bail or bond is to procure or guarantee attendance of the accused during his trial. Therefore, reasonable conditions should always be granted except only in cases where there are exceptional factors to justify imposition of stringent conditions. I do not find any such exceptional circumstances and I order that the accused shall be released on cash bail of Kshs. 100,000 or bond of Kshs. 200,000 with one surety of similar amount. It is so ordered.

Dated, signed and delivered in open court at Meru this 20th day of September 2017

F. GIKONYO

JUDGE

In the presence of:

Mr.Namiti for state

Mr. Igweta for accused

F. GIKONYO

JUDGE