

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO.53 OF 2017

REPUBLIC.....PROSECUTOR

Versus

ROSE GAKII.....RESPONDENT

RULING

[1] The accused person is charged with the offence of murder contrary to Section 203 as read with section 204 of the Penal Code CAP 63 of the Laws of Kenya. On taking of plea on 27th July 2017, Mr. Kithinji for the accused person applied for release of the accused person on bail. Mr. Mungai, the State did not oppose the release of the accused person on bail, save he stated that the he was yet to consult the investigations officer and requested the court to call for a pre bail report. Consequently, the court ordered a pre bail report to be filed within 21 days from the said date.

[2] The Report was filed in court on 13 September 2017. According to the said pre bail report, the accused was a single mother to three children who were all in school. She was also said to have been living a peaceful life prior to this offence. Her family and friends gave a positive report and expressed willingness to produce surety for her if she is considered. The report stated that the accused is an honest person and was traumatized by this offence. There was no victim report as the victim of the offence was alleged to be a street boy whose relatives or home was not known and it was alleged from various sources that no one came to claim the body.

DETERMINATION

[3] At the risk of reinstating what may seem too familiar now, under article 49(1) (h) of the Constitution, the accused is entitled to be released on bail or bond on reasonable terms unless there are compelling reasons not to do so. I have considered this application, submissions by counsels and the pre bail report. The prosecution did not opposed the release of the accused person on bail. The pre-bail report filed in court did not also identify any compelling reason on which the accused may be denied bail or bond. Taking into consideration all the circumstances in this case and the reasons alluded to above; I find that there are no compelling reasons for the accused person not be released on bail. Accordingly, the accused person may be released on a cash bail of Kshs 50,000 or in the alternative a bond of Kshs 100,000 with a surety of a similar amount. It is so ordered.

Dated, signed and delivered in open court at Meru this 16th day of October 2017

F. GIKONYO

JUDGE

In the presence of:

Mr. Omari advocate for accused person

Mr. Mungai for State

F. GIKONYO

JUDGE