



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL CASE NO.39 OF 2015

REPUBLICPROSECUTOR

VERSUS

CARREN KERUBO OMOSA.....ACCUSED

RULING

1. The accused person herein **CARREN KERUBO OMOSA** is charged with the offence of Murder contrary to **Section 203 as read with Section 204 of the Penal Code.**

The particulars of the offence are that on 22nd June 2015 at Getenga village in Kisii Central District within Kisii County murdered THOMAS MONGARE NTABO.

2. The accused pleaded **NOT GUILTY** to the charge and thereafter applied to be released on bond pending her trial.

3. The right of an accused person is enshrined in the **Constitution** under **Article 49 (1) (h)** which states as follows:

“(h) to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.”

4. In the instant case, the prosecution did not oppose the accused’s bond application and therefore, the issue of there being any compelling reasons to deny the accused bail does not arise.

5. Similarly, the Probation Officer’s pre-bail assessment report filed in court on 26th October 2015 recommended the release of the accused on bond in the following words:

“The accused may be granted bond with surety since her general conduct and character reveal that she is an honest person.”

6. Under the above circumstances, I hereby allow the accused’s application for bond in the following terms:

a) The accused may be released upon executing her own personal bond of Ksh.500,000/= with 2 sureties of a similar amount.

b) The proposed sureties shall be approved by the Deputy Registrar of this court.

c) The accused shall attend court for mention or hearing whenever required to do so until the case is heard and determined or until further orders of this Honourable Court.

d) Should the accused default in any one mention or hearing without any justifiable cause then the bond shall stand cancelled and the sureties called to account.

e) The first mention shall be on 22nd March 2016.

Dated, signed and delivered in open court this 22nd day of January 2016

HON. W. A. OKWANY

JUDGE

In the presence of:

- Miss. Mochana for the State
- Mr. Bigogo for the Accused
- Mr. Omwoyo: Court clerk