



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO.21 OF 2014

REPUBLIC - - - PROSECUTOR

VERSUS

DINNAH NYABOKE ELIJAH - ACCUSED

RULING

1. The accused person herein **DINNAH NYABOKE ELIJAH** is charged with one count of **murder** contrary to **Section 203** as read with **Section 204 of the Penal Code**.
2. The particulars of the charge are that on 2nd February 2014 at Bonyansiaga village, Etora Sub-location, Itibo Location in Sameta District within Kisii County murdered **ERICK ELIJAH**.
3. The accused pleaded not guilty to the charge as is awaiting her trial. She now seeks to be released on bond pending her trial pursuant to **Article 49 (I) (h) of the Constitution**.
4. The right of an accused person to bond pending the hearing of his case is guaranteed by the Constitution and can only be denied when there exists, compelling reasons to do so.
5. In the instant case, no reasons, compelling or otherwise, have been presented before the court to warrant denying the accused's prayer for bond.
6. Accordingly, I allow the application for bond in the following terms:
 - a. **The accused shall be released on bond upon executing her own personal bond of Kshs.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 of her case once every thirty (30) days until the case is heard and determined or until further orders of this Honourable Court.**
 - d. **Should the accused default in any one mention without justifiable cause then the bond shall stand cancelled and the sureties called to account.**
 - e. **Hearing on 16th March 2016.**

Dated, signed and delivered in open court this 20th day of January,2016

HON. W. OKWANY

JUDGE

In the presence of:

- Otieno for the State
- Nyagwencha for Accused
- Omwoyo: Court clerk.