



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAMIRA

HCCR NO.11 OF 2015

REPUBLIC.....STATE

VERSUS

EVANS BOSIRE ATEKA.....ACCUSED

RULING

The accused person has applied for bond. The State asked for further time to enable it file its response to this application.

The court called for pre-bail assessment report meanwhile.

The accused is charged for murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars thereof were on 31st December, 2011 at Nyagwencha village, Bokiambori Sub-location Nyamira District within Nyamira murdered **HERALD KARANI ATEKA**.

The accused denied the offence and he now awaits a full trial. In the meantime he now asks for bond pending the trial of his case.

The pre-bail assessment report was filed on 11th December, 2015 and is dated 16th December, 2015. The accused is aged 32 years. He is married to Jackline Kerubo and have two children.

The victim's family are willing as some have forgiven him.

Bond is a constitutional right under **Article 49(i) (h):..... "An arrested person has a right to be released on bond or bail on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released"**.

The family of the accused are positive and are willing to support the accused during his trial and ensures he attends court as and when required to.

The community members when contacted described the accused person as one who is not fond of criminal tendencies safe for associating with negative peers and alcohol abuse. This is blamed on single parenthood which has culminated to poor parental upbringing.

Therefore, there being no compelling reasons not be released, this court will accordingly, will release the accused person on personal bond of Kshs.500,000 with two sureties of similar amount on the following conditions:

1. **He attends court mentions every month.**
2. **Any one default, then bond to be cancelled forthwith.**
3. **The first such attendance to be on 19th February, 2016.**

It is so ordered.

Dated this 19th day of January 2016.

C.B. NAGILLAH

JUDGE

In the presence of:-

Soire for applicant

Konga for State

Mercy -Court clerk