



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CRIMINAL CASE NO. 3 of 2016

REPUBLIC PROSECUTOR

VERSUS

GERALD KIRIMI 1ST ACCUSED

JOHN GITONGA MURIIRA 2ND ACCUSED

PENNINAH GAICHUGI GITONGA 3RD ACCUSED

RULING

By the application dated 11/2/2016, the accused persons herein seek to be released on bail/bond pending the trial. The grounds upon which the application is premised are that the accused are being held in remand; that they are presumed innocent unless proven otherwise; that they are ready to abide by all the bond terms that the court may grant.

Accused 1 deponed that he has been advised that it will take long before this case is heard; that before he was arrested on 4/1/2016, he had been on police bond and he reported to police station as was required of him and is willing to abide by any terms that the court may impose. The other two accused did not swear any affidavits.

The application for bond was opposed only as regards accused 2 and 3. The Investigating Officer deponed that after arrest all the accused were released on police bond but only accused 1 attended police station while the two, accused 2 and 3 went into hiding till they were arrested two weeks later. The Investigating Office does not oppose bond as respects accused 1 but does oppose bond in respect of accused 2 and 3 for being flight risk.

The court called for pre-bail reports which have been filed and considered. The primary consideration in an application for bond is that the accused will turn up for their trial.

As respects the pre-bail reports, they seem to be favourable to all the accused though the local administration could not vouch for accused 2 and 3 not being flight risks or interfering with witnesses. There is no animosity from the community save for some of the deceased's family members.

I find no compelling reason to deny accused 1 bond and he may be released on **bond of KShs.200,000/= plus one surety of like sum or cash bail of KShs.50,000/=**.

As regards accused 2 and 3, though the pre-bail reports are favourable, they have demonstrated that they are not reliable by their previous conduct may not turn up for the hearing and I will give more stringent bond terms. **Each may be released on bond of KShs.200,000/= with 2 sureties of like sum.**

DATED, SIGNED AND DELIVERED THIS 25TH DAY OF APRIL, 2016.

R.P.V. WENDOHO

JUDGE

25/4/2016

PRESENT

Mr. Mulochi for State

Mr. Gitonga Holdin Brief for Mr. Omari for Accused

Ibrahim/Peninah, Court Assistants

All Present, Accused