



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MERU**

**CRIMINAL CASE NO. 23 OF 2015**

**REPUBLIC ..... PROSECUTOR**

**VERSUS**

**MARTHA NABIASHARA LEMUYOK ..... 1<sup>ST</sup> ACCUSED**

**JACKSON ARIKI ..... 2<sup>ND</sup>  
ACCUSED**

**RULING**

The two accused, **Martha Nabiashara Lemuyok** and **Jackson Ariki** (Accused 1 and 2) face a charge of murder contrary to **Section 203** as read with **Section 204 of the Penal Code**. They filed an application dated 3/3/2016, seeking to be released on bail pending the hearing of their case. A supporting affidavit was sworn by the 1<sup>st</sup> accused to the effect that they are residents of Katanga Drum Village, Archers Post in Samburu; that they are willing to abide by the bond terms that the court may impose; that they are not a flight risk; that if released, their lives will not be in danger and there are no compelling reasons to deny them bond.

The Investigating Officer, PC Kassim Abdi of Archers Post Police Station deponed that the accused do not have a fixed abode and would therefore be flight a risk.

The primary consideration in an application for bond is whether the accused will turn up for their trial. In this case, the court called for pre-bail reports. Contrary to the Investigation Officer's averments, the pre-bail reports indicate that the accused have been of good character; have a fixed abode at Katanga Drum Village at Archer's Post; that their family which is also the family of the victim are not opposed to their release on bond; that there is no threat to their lives.

In my considered view, there are no compelling reasons disclosed that could warrant this court denying accused persons bond. The court hereby grants the accused bond in the following terms:

**1. Each accused may be released on bond of KShs.200,000/= with one surety of like sum or to deposit in court cash bail of Kshs.75,000/= each.**

**DATED, SIGNED AND DELIVERED THIS 25<sup>TH</sup> DAY OF APRIL, 2016.**

**R.P.V. WENDOH**

**JUDGE**

**25/4/2016**

**PRESENT**

Mr. Mulochi for State

Mr. Igweta for Accused

Ibrahim/Peninah, Court Assistants

Both Present, Accused