



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT MERU**

**CRIMINAL CASE NO. 46 of 2014**

**W M.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

This is the accused's 2<sup>nd</sup> application for bail/bond the first one having been rejected by this court on 8<sup>th</sup> May 2015, when the court found that the accused was a flight risk as he had disappeared soon after the commission of the offence. Be that as it may, before the court considered this application, it asked for a pre-bail report. According to the pre-bail report filed in court on 18<sup>th</sup> March 2016, the accused person and his family (wife and child) are said to be battling HIV/AIDS over the last 10 years; that currently the accused person's health is very poor. The accused person's family did not object to the accused person being released on bail/bond and are willing to provide security for him. The victim's family was opposed to the accused person being released on bond indicating that there was general fear and anxiety in the area, the administration was not sure whether to support the application for bail because the accused person had been away from home for long and did not socialize with other villagers.

I have considered all the above. The court notes that it is in rare circumstances that a deceased's family will be willing that accused be released on bail and more likely than not, they will oppose bail. Due to the fact that accused's family members are now willing to accept him back and are willing to stand surety for him because of his poor health, this court exercises its discretion and allows the application to grant accused bond. Accordingly, accused may be released on bond of KShs.300,000/= plus one surety of like sum or cash bail of KShs.100,000/=. The court will mention this matter to ensure accused attends court. Mention on 25/11/2016.

**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. Onderi Holding Brief for Mr. Kiogora for Accused

Ibrahim/Peninah, Court Assistants

Present, Accused