

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 11 OF 2016

REPUBLIC.....PROSECUTOR

VERSUS

MATUNDURA NYAWEYA.....ACCUSED

RULING

1. The accused person herein **MATUNDURA NYAMWEYA**, is charged with murder contrary to **Section 203** as read with **Section 204 of the Penal Code**. The particulars of the charge are that on 13th April, 2016 at Sameta Sub-county within Kisii County murdered **KASHMIR ONSARI MARIERA**. The accused pleaded not guilty to the charge and is currently awaiting his trial.
2. On 23rd May, 2016, the accused, through his advocate Mr. Magara, applied to be released on bond pending his trial. Mr. Otieno, counsel for the state, informed the court that the state had no compelling reasons for opposing the bond application.
3. In view of the above application and considering that bond is now a Constitutional right of every arrested person under **Article 49 (1) (h)**, I allow the said application for bond on the following terms:-

a. The accused may be released upon executing his own personal bond of Kshs. 500,000/=with 2 sureties of a similar amount.

b. Once he is released on bond, he shall appear in court whenever he is required to do so by the Honourable Court until the case is heard and determined or until further orders of this Honourable Court.

c. In default of (2) above, the bond shall be cancelled immediately and the sureties taken to account.

Delivered, dated and signed in at Kisii on **30th day of May, 2016.**

W.A. OKWANY

JUDGE

In the presence of:

- Otieno for the State

- Mr. Magara for the Accused

- Omwoyo court clerk