



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MACHAKOS
CRIMINAL CASE NO. 6 OF 2016

REPUBLIC

VERSUS

- 1. PATRICK NGUNZU MUTETI**
- 2. FRANICS KAIMI BENARD**
- 3. DUNCAN MAITHYA MUTETI**
- 4. NICHOLAS MUTHIANI MUSEMBI**
- 5. ALFONSE KIOKO NZIOKA**
- 6. JOSEPH NDONYE MUTUA.....ACCUSED**

RULING

1. The ACCUSED who face a murder charge contrary to section 203 as read with section 204 of the Penal Code have made an application for bail pending trial by NOTICE OF MOTION dated 12th May 2016. The same is not opposed by the Director of Public Prosecution.
2. The Court has taken into account the circumstances of the accused including their age, occupation, income, fixed abode and availability of surety for the attendance to court of the accused during their trial.
3. I have considered that bail is a constitutional right subject only to demonstration by the Prosecution of compelling reasons for refusal. None has been shown in this case. I have also considered conventional bail terms as ordered by the court in recent times over the same or similar charge. The Court has granted bond terms with one or more sureties together with a direction that the accused attends at reasonable regular intervals the Officer Commanding the Police Station under whose jurisdiction the area where the offence was allegedly committed falls.
4. Accordingly, the accused persons may be released on bail upon terms as follows:
 1. **Each accused shall execute a bond of Ksh.300,000/- with three (3) sureties for the same amount.**
 2. **Each accused will every 30 days attend the Officer Commanding the Police Station under whose jurisdiction falls the area where the offence charged herein is alleged to have occurred.**
 3. **The DPP will attend the bail approval proceedings and take the particulars of the**

sureties for future reference as necessary.

5. Mention on the pre-trial conference set for 22nd June 2016.

DATED AND DELIVERED THIS 17TH DAY OF MAY 2016.

EDWARD M. MURIITHI

JUDGE

In the presence of: -

Mr. Mutinda for the 1st -3rd Accused/Applicant

Ms. Nyaata for the 4th & 5th Accused/Applicant

Ms. Nyaata for Mr. Makau for the 6th Accused/Applicant

Mr. Machogu for the Republic/Respondent

Mr. Nicholas - Court Assistant.