



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 86 OF 2015

REPUBLIC..... PROSECUTOR

VS

DORIS MWARI IKIAO.....1ST ACCUSED

JANET KANYUA IKIAO.....2ND ACCUSED

RULING

Doris Mwari Ikiao and Janet Kanyua Ikiao are jointly charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code.

The two accused filed a Notice of Motion dated 28/4/2016 seeking to be released on bond pending the hearing of this case. The applicants contend that the offence is bailable, that the 2nd accused is aged 77 years and is the mother of accused 1; that they are residents of Meru and have no intention of absconding; that the 2nd accused is sickly and needs urgent medical attention while accused 1 has left two minor children without anybody to care, that there are no compelling reasons to deny them bond.

The application was opposed and a replying affidavit was sworn by the investigating officer, CPL Daniel Njue. He deposed that the key witness is a daughter in law of accused 2 and that the accuseds are likely to interfere with her; that the accused attacked a key witness who was admitted in hospital for long and that they are likely to attack her again if released.

Apart from the court considering the affidavits on record the court called for pre bail reports which have also been considered.

On the allegations that the applicants will interfere with two witnesses, there is no evidence adduced by the prosecution to support that allegation. If the key witness is a daughter in law of the accused 2, it would not be necessary for them to be released to influence the said witness.

I have read the pre-bail report and the reports reveal that there is no hostility in the community. The local administration has spoken positively about the accused persons being released on bond; the pre-bail report also disclosed that apart from deceased's wife the deceased's children are not opposed to accused being released on bond.

The accused are said to have been of good character before this incident. Generally, I find that the prosecution has not disclosed any compelling reason to deny the accused persons bond, I therefore allow the application and grant bond in the following terms:-

Each accused may be released on cash bail of Kshs 50,000/= each or bond of kshs 200,000/= and one surety of like sum each.

DATED, SIGNED AND DELIVERED THIS 22nd DAY OF JUNE, 2016.

R.P.V. WENDOH

JUDGE

Before;

Mr Mulochi for state

Mr Kitheka holding brief for Igweta for accused

Accused present

C.A Penina