

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 29 OF 2016

REPUBLIC..... PROSECUTOR

VERSUS

FRANCIS MUGAMBI M'ITABARI ACCUSED

RULING

Francis Mugambi M'Itabari faces a charge of murder contrary to **Section 203 and 204 of the Penal Code**. In the Notice of Motion dated 30/6/2016, he seeks to be released on bond pending trial.

The grounds upon which the application is based are that the accused has a Constitutional right to bond because he is presumed innocent till proved guilty; that he will abide by all the bond terms that the court may impose and will attend court as will be required of him.

The State did not oppose the application and this court called for a pre-bail report. In the report, accused is described as having been of good character, having worked as a Sub Area and that apart from deceased's family, the community does not oppose his release on bond.

In an application for bond, the cardinal consideration is whether the accused will turn up for his trial. The other considerations are accused's character and antecedents, whether he will interfere with witnesses or his life may be at risk. So far, there is no compelling reason disclosed to deny accused bond. I grant the application. Accused may be **released on bond of Kshs.200,000/= with one surety of like sum or cash bail of Kshs.60,000/=**.

DATED, SIGNED AND DELIVERED THIS 26TH DAY OF JULY, 2016.

R.P.V. WENDOH

JUDGE

26/7/2016

PRESENT

Mr. Mulochi for State

Mr. Kimathi for Accused

Ibrahim, court Assistant

Present, Accused