



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NANYUKI**  
**CRIMINAL CASE NO. 3 OF 2016**

**REPUBLIC ..... PROSECUTOR**

**VERSUS**

**JUSTUS LETUNAI LETIALO ..... 1<sup>ST</sup> ACCUSED**

**SILETI PORSHORIO..... 2<sup>ND</sup> ACCUSED**

**RULING**

1. **SILETI PORSHORIO (Sileti)** the second accused seeks that he be admitted to bail pending trial. He is charged together with Justus Letunai the first accused. They both face the charge of **murder contrary to Section 203 as read with Section 204 of the Penal Code.** Their trial has not yet commenced.

2. To assist the court to determine Sileti’s application for bail pending trial a request was made to the probation office to prepare a bail assessment report on Sileti. I have the report before me. Sileti in that report is said that until his arrest for this offence he was a person of good character. He is said to be active in communal activities. The only negative assessment in that report is made by the relative of the deceased who says that there is fear that if Sileti is released on bail he may abscond his trial.

3. **Article 49** of the Constitution provides that a person shall be released on bail or bond on reasonable conditions pending trial unless there are compelling reasons not to be released. Having considered the probation assessment report and the submissions made by the learned counsels I can find no compelling reason which can prevent this court granting Sileti bail pending trial. I will however just as I did in respect to the first accused give stringent terms in view of the serious charge which Sileti and his co accused face.

4. Accordingly Sileti Porshorio shall be released on cash bail of Kenya shillings one million (kshs.1,000,000) with two sureties of equal sum pending his trial.

**DATED AND DELIVERED THIS 28<sup>TH</sup> DAY OF SEPTEMBER 2016.**

**MARY KASANGO**

**JUDGE**

**CORAM:**

Before Justice Mary Kasango

Court Assistant – Njue

Accused: Sileti Porshorio .....

For Accused: .....

For the State: .....

COURT

Ruling delivered in open court.

**MARY KASANGO**

**JUDGE**