



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 21 OF 2016

REPUBLIC.....PROSECUTOR

VERSUS

MARY SYOMBUA RAELI..... ACCUSED

RULING

By the Notice of Motion dated 28/7/2010, **Mary Syombua** seeks to be released on bond pending the hearing of this case where she is charged with the **offence of murder contrary to Section 203 as read with Section 204 of the Penal Code.**

The grounds on which the application is predicated are that the accused has a fixed place of abode and not a flight risk; that there is no danger to her life and that she will abide by all the conditions that the court may impose if granted bond; that she has a Constitutional right to bond because she is deemed to be innocent till proved guilty.

The State did not oppose the bond but the court deemed it necessary to call for a pre-bail report.

The accused does not hail from Meru County but hails from Kitui. She had sought casual employment at the home of the deceased.

I have considered the pre-bail report and do note that the probation officer never interrogated the local administration in Kitui who would have given an independent report of how the accused related with the community.

The probation officer also noted that the accused was unable to explain how she will secure security or attend court if released on bond.

The main consideration in such an application is whether the accused will turn up for her trial. The accused hails from Kitui, which is not very near. She does not seem to have any known person that can stand surety for her or where she will reside or how she will attend court. Though there are no real compelling reasons to deny the accused bond, the above concerns cannot be wished away. For that reason, I will grant the accused bond but impose more stringent terms. I grant bond in the following terms:

Accused may be released on bond of **KShs.200,000/= plus two sureties of the same amount.**

DATED, SIGNED AND DELIVERED THIS 13TH DAY OF OCTOBER, 2016.

R.P.V. WENDOH

JUDGE

13/10/2016

PRESENT

Mr. Mulochi for State

Ms. Thibaru Holding Brief for Mr. Nyauchi for Accused

Ibrahim/Peninah, Court Assistants

Present, Accused