



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CRIMINAL CASE NO. 45 OF 2014

REPUBLIC..... PROSECUTOR

VERSUS

ALI KURI SIGIRSO alias MOHAMED ACCUSED

RULING

By the Notice of Motion dated 14/7/2010, the accused **Ali Kuri Sigirsio alias Mohamed** seeks to be released on bond. He has been charged with the **offence of murder contrary to Section 203 as read with Section 204 of the Penal Code**. The grounds upon which the application is brought are that the accused has been in remand since June 2014; that the case is due for mention on 2/12/2016 and that his health has deteriorated while in custody and that the court should exercise its discretion under **Article 49 (1) (a) of the Constitution** and release him on bond.

The State did not oppose the application. The court called for a pre-bail report which I have considered.

When the accused came for plea, he was found to be unfit to plead, was admitted at Mathare Mental Hospital but was later certified fit to plead.

From the pre-bail report it is clear that neither the administration nor the community from where the accused hails from is objecting to the accused's release on bond. The deceased's family is also said to have been talking with the accused's family and there is no animosity towards the accused.

Though separated, the accused's parents have homes in both Garbatula and Nairobi and therefore he will have a friend abode.

For the above reasons, I find no compelling reasons disclosed to deny the accused bond save to note that having had a mental problem the parents have to take extra care that the accused is under their watch and he is availed at the hearing. I take into account the fact that the accused comes from the pastoral region of Garbatula. He may be released **on bond of Kshs.250,000/= plus one surety of like sum or cash of KShs.75,000/=**.

DATED, SIGNED AND DELIVERED THIS 12TH DAY, OF OCTOBER, 2016.

R.P.V. WENDOH

JUDGE

12/10/2016

PRESENT

Mr. Mulochi for State

Mr. Omari for Accused

Ibrahim/Peninah, Court Assistants

Present, Accused