



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NANYUKI**  
**CRIMINAL CASE NO. 5 OF 2015**

REPUBLIC.....PROSECUTOR

*versus*

MATEA MANYAAS.....ACCUSED

**RULING**

1. Accused **MATEA MANYAAS** is charged with the **offence of murder contrary to section 203 as read with section 204 of the Penal Code**. When he was arraigned before court on 14<sup>th</sup> July 2015 he pleaded not guilty and further stated “I did not mean to do it”. His matter was then before Nyeri High Court. This matter was transferred to this court on 14<sup>th</sup> October 2015. Since then accused trial has not commenced because of delays by Government Chemist to provide examined exhibits. This has halted indeed the hearing of many murder trials and is adversely affecting this courts ability to dispense justice without delay.
2. The accused has sought that he be released on bail pending trial. **Article 49(1)(h)** provides that an arrested person has right to be released on bail or bond pending trial unless there are compelling reason.
3. In my view the compelling reasons which leads this court to decline to release the accused on bail is that the victim’s family, who according to the pre bail probation report and the investigating officers sworn affidavit, are still bitter over the death of their kin have vowed to revenge for the death of their kin if the accused is released on bail.
4. What however I note from the probation report is that the victim of the murder was the accused wife. In my view this is a matter the Office of the Director of Public Prosecution and the accused counsel should consider to enter into plea bargain. For that reason a date will be given at the reading of this ruling when the court will receive the plea bargain, if any.
5. For the reasons given above the bail application of the accused is dismissed.

**DATED AND DELIVERED THIS 23<sup>RD</sup> DAY OF NOVEMBER 2016.**

**MARY KASANGO**

**JUDGE**

**CORAM:**

Before Justice Mary Kasango

Court Assistant .....

Accused: Matea Manyas .....

For accused: .....

For the State: .....

COURT

Ruling delivered in open court.

**MARY KASANGO**

**JUDGE**