



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**  
**CRIMINAL CASE NO.20 OF 2015**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**TRUFENA KERUBO LUKAS.....ACCUSED**

**RULING**

1. The accused herein **TRUFENA KERUBO LUCAS** is charged with the offence of **Murder** contrary to **Section 203** as read with **Section 204 of the Penal Code**. It is alleged that on the night of 25<sup>th</sup> and 26<sup>th</sup> April 2015 at Nyabitunwa Sub-location, Kenyenyia Sub-County within Kisii County, jointly with others not before the court, murdered **JAMES MASESE OBWOGE**.

2. The accused pleaded not guilty to the charge and on 3<sup>rd</sup> June 2015 made an oral application to be released on bond pending her trial.

3. On 16<sup>th</sup> June 2015, Mr. Majale counsel for the State intimated to court that the State had no compelling reasons to oppose the accused's application for her release on bond.

4. The pre-bail report filed on 23<sup>rd</sup> October 2015 recommended that the accused person was suitable for release on bond pending her trial.

5. The right of any accused person to be admitted to bond pending trial is enshrined in the **Constitution** by **Article 49 (1) (h)** in view of the above, I allow the accused application for bond in the following terms:-

a) **The accused may be released on her own personal bond of Ksh.500,000/= with 2 sureties of a like amount.**

b) **The sureties shall be approved by the Deputy Registrar of this court.**

c) **Once released, the accused shall appear for mention of her case once every 30 days until the case is heard and determined or until further orders of this court.**

d) **If the accused fails to appear at any one mention, the bond shall be cancelled and the sureties called upon to account and/or make good their bond.**

e) **Mention shall be on 15<sup>th</sup> December 2015.**

**Dated, signed and delivered in open court this 17<sup>th</sup> day of November, 2015**

**HON. W. OKWANY**

**JUDGE**

**In the presence of:**

- Mr. Mbelete for the State
- M/S Ondari for the Accused
- Mr. Ogega: court clerk