



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NANYUKI
CRIMINAL CASE NO. 28 OF 2016

REPUBLIC.....PROSECUTOR

versus

FREDRICK NGETICH SOME.....ACCUSED

RULING

1. The accused **FREDRICK NGETICH SOME** has applied that he be release on bail pending trial of a murder charge. He pleaded not guilty to that charge of murder and is now awaiting his trial.
2. The pre bail probation report records that accused is a 26 years old young man who is described by his family and the local administration of Kinamba Location as a well behaved person who has not involved himself with criminal activity before the present charge. The victim's family supports accused's release on bail. He has a job at a bookshop.
3. The bail application was not opposed by Senior Principal Prosecution Counsel Mr. Tanui. Mr. Tanui request the court to grant bail on reasonable terms.
4. The accused is entitled to be released on bail under article 49(1)(h) of the constitution. In this regard the finding in the case **Farris C. J. in REX V HAWKEN (1944) 2 DLR 116** is relevant, where it was held:-

“The question of bail is sometimes misunderstood. When a man is accused he is nevertheless still presumed to be innocent and the object of keeping him in custody prior to trial is not on the theory that he is guilty but on the necessity of having him available for trial. It is proper that bail should be granted when the judge is satisfied that the bail will ensure the accused appearing at his trial.”

I am satisfied as per the pre bail report that accused will appear for the hearing of his trial. He has a stable family home.

5. Accordingly the accused shall be released on bond of Kshs.500,000 with two surety of similar amount.

DATED AND DELIVERED THIS 19TH DAY OF DECEMBER 2016.

MARY KASANGO

JUDGE

CORAM:

Before Justice Mary Kasango

Court Assistant

Accused: Fredrick Ngetich Some

For accused:

For the State:

COURT

Ruling delivered in open court.

MARY KASANGO

JUDGE