



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT KISII

CRIMINAL CASE NO. 97 OF 2014

BEN OLE MPINDING.....ACCUSED

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. This is an application for bond.

The accused Ben Ole Mpinding was charged with murder contrary to section 203 as read with 204 of the Penal Code. The particulars being that on the night of 2nd and 3rd of November, 2013 at Nyangusu shopping centre in Nyamache District within Kisii County in the Republic of Kenya murdered one Mary Boke. He denies the offence.

2. He asks for bond. The constitution makes bond a constitutional right. However, this right is not absolute. The prosecution may show cause why there are compelling reasons not to grant bond. Article 49(1) 9h) is very clear on bond. The state has not filed any affidavit to show cause as to the deniability of bond.

However, bail assessment report on the accused was filed on 16th February, 2015. The accused is 30 years. He is married and has two school going children. The report is favourable to the accused. The area assistant chief, MR. Gideon Suyai Milenya has appended his letter to the report imploring this court to release the accused on bond. Both the report and the assistant chief are not objecting to his bond application.

3. In this regard therefore the accused is hereby released on person bond of Kshs. 500,000 with one surety of similar amount the same to be approved by the Deputy Registrar of this Honourable Court.

4. Upon his release, the accused is expected to attend court mention of his case every 30 days, until the determination of his case or further orders of this case. The first such mention to be on 27th March, 2015. Any default, the bond will be cancelled and sureties would be made to account.

5. It is ordered.

Dated and delivered at KISII this 27th day of February, 2015.

C.B. NAGILLAH,

JUDGE.

In the presence of:

Moseti for the applicant

State(absent) for the respondent.

Edwin Mongare Court Clerk.