



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL CASE NO. 48 OF 2013

DENNIS SIRIBA NYANGERI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. This is an application for bond.

The accused is charged with the offence of murder contrary to section 203 as read with 204, of the Penal Code. The particulars thereof are that on the 4th day of April, 2013 at Bombare village in Magwagwa sublocation in Nyamira North District within Nyamira County jointly with others not before court murdered Zachary Onyange Orina. He denies the charge.

2. The right to bond/bail is a constitutional right. However, the right is not an absolute right. If there are compelling reasons to deny it, it is denied. Article 49(1)(h) of our constitution is very clear on the right to bond subject to compelling reasons.

3. The prosecutor swore an affidavit on 22nd May, 2013 and filed it on 22nd May, 2013 since there are no highlighting clauses for reasons of emphasis, the court's discretion can only be construed in favour of the accused being granted bond.

4. Accordingly, this court will release the accused on a personal bond of kshs. 500,000 with one surety of similar amount, the same to be approved by the Deputy Registrar of this Honourable court.

5. Upon his release the accused is expected to attend court every month for mention of his case until the completion of his case or until further orders of this court. The first such mention to be on 27th March, 2015.

6. In default of any one mention, the bond will be cancelled forthwith and the sureties will made to account.

7. It is so ordered.

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

C.B. NAGILLAH,

JUDGE.

In the presence of:-

Moseti holding brief for Gichana for the applicant

State (absent) for the respondent

Edwin Mongare Court Clerk.