



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**  
**CRIMINAL CASE NO. 84 OF 2011**

**JACKSON NYANKENA MWICHABI.....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 on 12<sup>th</sup> May, 2011 at Mashangwa location in Transmara District of the Narok County murdered Mwise Mwachabi. He denies the offence and asks for bond pending the hearing and determination of his case.

2. The right to bond is a constitutional right. Under Article 49(1)(h) of the Constitution of Kenya. This right although constitutional is not an absolute right. There are, circumstances, when the same will be denied. This will be so if there are compelling reasons to deny bond.
3. The prosecution is expected to show cause when and where there are compelling reasons. More often, the prosecution is expected to file his affidavit stating the deniability or otherwise of the accused to be released on bond.
4. In the instance case, the prosecution said in their brief submission that there are no compelling reasons to deny bond.

The court, therefore, proceeds to grant bond to the accused.

5. Accordingly, the accused is hereby released 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.
6. In the event of that release, the accused will be expected to attend court every month until the completion of the hearing of his case. The first such attendance will be on 27<sup>th</sup> March, 2015.

In default, the bond will be cancelled forthwith and the surety will be made to account.

7. It is so ordered.

Dated and delivered at KISII this 25<sup>th</sup> day of February, 2015.

**C.B. NAGILLAH,**

**JUDGE.**

**In the presence of:**

Omwega holding brief for Bigogo for the applicant

Otieno for the respondent

Edwin Mongare Court Clerk.