



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 109 OF 2014

REPUBLIC.....APPLICANT

VERSUS

AGNES KEMUNTO MAKORI.....1ST ACCUSED

NYANGARESI NYANGAU MUMA.....2ND ACCUSED

DAVIS NYARUNDA ISABOKE ALIAS ERICK JOSEPH.....1ST ACCUSED

RULING

1. This is an oral application by the three accused persons, that is, Dennis Isaboke, Nyangaresi Nyangau, and Agnes Kemunto Makori. The three accused persons have been charged with murder, contrary to section 203 and 204 of the penal code. It is alleged that on the 28th October, 2014 at Mogonga village, Riosugo sublocation, Bassi Borabu location in Nyamache district Kisii County, jointly murdered Edward Obino Gechabe. They both deny the charge. However, they ask for bond, to be released pending the hearing and determination of their case.
2. Bond/bail is a constitutional right as provided by the constitution article 49(1)(h) unless there are compelling reasons to deny the bond, the bond must be given as a matter of right. The prosecution, in this case, has not filed any response to give compelling reasons why the three accused persons should not be given or be released on bond.
3. However, in the court file there are two pre-bail assessment report in respect of : a) Davis (Dannis) Isaboke and Nyangaresi Nyangau. There appears to be no report on Agnes Kemunto Makori.
4. The court will be guided, in the meantime, with the two reports pending the response from the state and if this report is filed before the ruling hereof.
5. On **Davis(Dennis) Isaboke**. His aged 27 years and married father of three children who are still very young. The inquiry shows that the accused, generally, is a responsible person. He has promised to attend court at all time, and to adhere to all the terms that may be ordered by the court. He further promises not to interfere with witnesses if he is granted bond.
6. Accordingly and for the reasons above, the accused is hereby released on a personal bond of kshs. 500,000 plus two sureties of the similar amount, to be approved by Deputy Registrar of this court.
7. Upon his release, the accused shall attend court for mention of his case once every month until the case is heard and determined. The first such mention shall be on 16th March, 2015. Any default, the bond shall stand cancelled and sureties be made to account.
8. On **Nyangaresi Nyangau**. He is aged 57 years and married, he has a number of dependants. The interview reveals that the accused is a responsible person. He has promised to attend court at all times as required. Accordingly and for the reasons above the accused is hereby released on personal bond of kshs. 500,000 plus two sureties of similar amount, the same to be approved by the Deputy Registrar of this court. Upon his release the accused is to attend court every month

until the hearing and completion of his case. The first such mention will be on 16th of March, 2015. Any default, the bond shall stand cancelled and sureties be made to account.

9. It is so ordered.

Dated and delivered at KISII this 16th day of February, 2015

C.B. NAGILLAH,

JUDGE.

In the presence of:-

Okenye for the applicants.

Otieno for the respondent.

Edwin Mongare Court Clerk.