

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 4 OF 2015

JOSEPHAT ONGUBO RATEMO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. This is an application for bond. The applicant **JOSEPHAT ONGUBO RATEMO** was charged for murder, contrary to section 203 as read with s.204 of the Penal Code. It is alleged that on 13th day of November, 2014 at Masongo village in Kisii Central within Kisii County in the Republic of Kenya, murdered **REBECCA KERUBO MOCHERE**. He denies the charge. And now he applied for bond pending the trial and determination of his case.

2. Bond is a constitutional right under Article 49(1)(h) of the Constitution of Kenya. The right however is circumscribed and it not absolute. It is incumbent upon the state, the prosecution to show cause why the accused should not enjoy the right to bond. The state does so by filing an affidavit giving reasons why the accused person is to be denied this right.

3. However, on the 16th March, 2015, the prosecutor, being the respondent, stated that they had no intention to oppose this application.

4. Accordingly, this court, for reasons that the state has no opposition to this application, i shall release the accused person 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 court.

5. Upon his release he will be expected to attend court every 30 days for mention of his case until the determination of his case or further court orders. The first such attendance to be on 23rd of April, 2015.

6. Any one default of the said attendance, the bond shall be cancelled forthwith and the sureties made to account.

It is so ordered.

Dated and delivered at KISII this 24th day of March, 2015

C.B. NAGILLAH,

JUDGE.

In the presence of:-

Nyawencha holding brief for Ogari for the applicant.

Otieno state for the Respondent.

Edwin Mongare Court Clerk.