

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

CRIMINAL CASE NO. 26 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

ELIZABETH NYANCHAMA OMBUYA.....RESPONDENT

RULING

1. This is an application for bond. The accused person is charged with murder, contrary to section 203 as read with 204 of the Penal Code. It is alleged that on 13th day of February, 2012 at Ibucha Sublocation in Nyamira District within Nyamira County, he murdered KEPHA ONYANCHA OMBUYA. He denies the offence. She asks for bond pending the hearing and determination of her case.
2. Article 49(1)(h) gives the accused person a right- a constitutional right to bond/bail. This right is not however, absolute. It is not give able if there are compelling reasons to deny it to the accused. In this instant case, the state did not oppose the application for bond.
3. The bond accordingly, gives the accused person a personal bond of kshs. 1,00,000 with two sureties of the same amount, the same to be approved by the Deputy Registrar of this court.
4. Upon his release he is expected to report monthly for mention of his case until the conclusion of the same or further orders. The first such mention will be on 13th April, 2015.
5. Any one default, the bond terms be cancelled forthwith and the sureties made to account.
6. It is so ordered.

Dated and delivered at KISII this 13th day of March, 2015.

C.B. NAGILLAH,

JUDGE.

In the presence of:

Nyawencha holding brief for Sagwe for the applicant.

Muindi for the respondent

Edwin Mongare Court Clerk.