

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO.109 OF 2013

LESIIT, J

REPUBLIC.....PROSECUTOR

VERSUS

DAVID MUGAMBI PIUS.....ACCUSED

RULING

1. The accused person faces a charge of murder contrary to **Section 203** of the **Penal Code**. He seeks bail pending his trial in the Notice of Motion application dated 16th April 2015. The application is premised on four grounds namely:
 1. **That the Applicant was charged with the offence of murder an offence he denied during the plea taken on 26th December 2013.**
 2. **That the offence of murder is bailable under Article 49(1) (h) of the Constitution of Kenya 2010.**
 3. **That the accused has a right to be regarded as innocent until proven guilty.**
 4. **That it is in the interests of justice that this application be allowed.**
2. The application is supported by an affidavit sworn by the accused. The gist of the affidavit is that the accused has a fixed abode in Naathu sub-location Meru County and is therefore not a flight risk.
3. The State has not opposed the application.
4. I have considered the application by the accused. There is no objection to his application. On my part I am satisfied that the accused has disclosed where he intends to live after the court grants him bail. On the face of it, the accused is not a flight risk and he has demonstrated that he has a place of abode. I am satisfied that there are no compelling reason to deny the accused bail can be deciphered in this case.
5. The application is therefore granted on the following terms and conditions.
 - a. **The accused may be released on a cash bail of KShs.250, 000/=.**
 - b. **In the alternative the accused may be released on bond of KShs.1 million with two sureties of KShs.500,000/= each.**
 - c. **The accused should not interfere with the witnesses in this case in anyway as this will result in the bond being cancelled.**

Dated at Nairobi this 28th day of May, 2015.

LESIIT, J

JUDGE