



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 96 OF 2014

REPUBLIC.....PROSECUTOR

VERSUS

CHARLES SURVEY MANINI.....1ST ACCUSED

RICHARD OMBUI MANINI.....2ND ACCUSED

RULING

1. This is an application for bond, by both applicants, **Charles Survey Manini** and **Richard Ombui Manini**. Both were charged with murder, contrary to section 203 as read with 204 of the Penal Code. The particulars thereof are that on 17th day of April, 2014 at Bogitaa sublocation in Kisii South District within Kisii County in the Republic of Kenya jointly with others not before court murdered **DENIS OMBWOGA KEREMA**. Both denied the charge. However, they both apply for bond pending the hearing and determination of their criminal trial.
2. The right to bond is a constitutional right. Article 49(1)(h) of the Constitution gives such authority. However, the right is not absolute, it is circumscribed if there are compelling reasons not to grant bond. The prosecution filed a replying affidavit indicating two reasons why the accused person should not be released on bond: i.e. that there is a high possibility that the applicants would be in contact with the witnesses who are the family of the deceased and neighbours of the applicants. The applicants might therefore interfere with the witnesses/evidence to be tendered against their leading to miscarriage of justice. This is more so since the deceased was a relative of the applicants.
3. Further, the prosecution takes the view that the temptation to abscond or go into hiding if released on bail pending trial is real, this is the second reason the prosecution has advanced against the release of the accused persons.
4. Bail- assessment report on the two accused persons were filed on 18th March, 2015. The report discloses the following informations:

1st accused- Charles Sabei Manini

The first accused is married to two wives and has four children. He is aged 40 years. He is from a large family of eight siblings. The community to which he belongs are not hostile to him. He has fixed abode and his family is willing to stand surety for him and will assist him to abide by the bond terms and present him before court when required.

2nd accused- Richard Ombui manani

He is aged 49 years. He is married and has five children. He is also from a large family of eight(8)

siblings. His community is not hostile to him. He is of fixed abode.

5. Accordingly, this court, for reasons described in bail-assessment report and the constitutional provisions under article 49(1)(h) of the constitution, the two accused persons are hereby released on a personal bond of Kshs. 500,000 with one surety of similar amount, for each accused person, Charles Sabei Manani and Richard Ombui Manani, respectively, the same to be approved by the Deputy Registrar of this court.
6. Upon their release they will be expected to attend court every 30 days for mention of his case until the determination of their respective cases or for further court orders. The first such attendance to be on 22nd June, 2015.
7. Any one default, the bond shall be cancelled forthwith and sureties made to account.
8. It is so ordered.

Dated and delivered at KISII this 22nd day of May, 2015.

C.B. NAGILLAH,

JUDGE.

In the presence of:

Obure holding brief Sagwe for the applicants

Absent (the state) for the state

Bosire Court Clerk