

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 15 OF 2013

REPUBLIC.....PROSECUTOR

-VERSUS -

PROSPER MUTUA NZILANI..... ACCUSED

RULING

1. The accused **PROSPER MUTUA NZILANI** was granted bond of KShs.1,000,000/= with two sureties of like sum in the couas brought a Notice of Motion application dated 20th March 2015. The accused seeks an order as follows:

1. **That this honourable court be pleased to admit the applicant to bail pending trial with or without conditions.**
2. **That there be no order as to costs.**

2. The application is perused on the following grounds:

1. *That the applicant was arrested on 15th February 2015 by officers from Muthaiga Police Station and afterwards taken to Court on 11th March 2015 for an application for extension of his detention in police custody for a period beyond the mandatory period of 14 days , which application was denied.*
2. *The police did not release him and continued to detain him in police custody.*
3. *That the applicant was subsequently charged with the offence of murder on 19th March 2015 to which he pleaded not guilty and a hearing date was fixed for 23rd upto 26th November, 2015.*
4. *That during the plea the court deferred the applicant's request for bail.*
5. *That in order to protect the Constitutional rights of the applicant it is essential that he be admitted to bail.*

3. The application is supported by an affidavit sworn by **ABEL MANWA MAYIEKA** alias **COLLINS**. The gist of the affidavit is

4. The State was represented by C. M. Ngugi Rebiro. Counsel opposed the application for bail for the accused citing several reasons.

5. I have carefully considered this application and the submission by both counsels

Dated at Nairobi this 21st day of May, 2015.

LESIT, J

JUDGE