



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MERU

CRIMINAL CASE NO. 10 OF 2015

REPUBLIC PROSECUTOR

V E R S U S

JOSHUA MUJUMBE BUSHANGA ACCUSED

RULING

Joshua Mujumbe, the accused herein is facing a charge of murder contrary to Section 203 as read with Section 204 of the Penal Code. He has filed the application dated 17/2/2015 seeking to be released on bond pending the hearing of this case. The grounds upon which the application are contained in an affidavit sworn by the accused in which he contends that he has been advised that he has an unqualified constitutional right to bond because he is presumed innocent till proved otherwise; that he is ready to abide by all the conditions that the court may impose and attend court as will be required of him and that he is a Kenyan citizen with a permanent residence and has no intention of leaving court's jurisdiction. The Respondent did not file any affidavit in reply.

In an application for bail, the main consideration is that the accused will turn up for his trial. The court also considers whether the accused will interfere with witnesses; his character and antecedents amongst others. This court called for a pre-bail report in which the local administration, the deceased's family and the local community were interviewed and all of them have given a favourable report on the accused. He is said to be a man of good character. There is therefore no evidence that he is a flight risk or will interfere with witnesses. There are no compellable reasons to deny accused bond. He may be released on the following terms:

1. Cash bail of KShs.75, 000/=;
2. In addition, a surety of Kshs.300, 000/=;
3. Is required to attend as the court may direct;
4. He will be required to be of good conduct while on bond;
5. He should not interfere with witnesses;

In default, bond will be cancelled.

DATED, SIGNED AND DELIVERED AT MERU THIS 12TH DAY OF JUNE, 2015.

R. P. V. WENDOH

JUDGE

PRESENT:

Mr. Mulochi – for state

Mr. Omari for Accused

Faith, Court Assistant

Accused, Present