



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**  
**CRIMINAL CASE NO.112 OF 2014**

**REPUBLIC**  
**VERSUS**  
**EZRA NYAKUNDI ONYANGO..... ACCUSED**

**RULING**

1. This is an oral application for bond by the accused person to be released pending the hearing and determination of his case.

2. The said accused is charged for **murder contrary to Section 203 as read with Section 204 of the Penal Code**. The particulars of the offence are as follows:

*‘On the 9<sup>th</sup> day of December 2014 at Mwongori Village in Borabu sub-County within Nyamira County in the Republic of Kenya, murdered TERESIA KERUBO.’*

3. The right to bond/bail is a constitutional right as envisaged by the Constitution. **Article 49 (1)** says: **“An arrested person has a right (h) to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.”**

- a. The state is not opposed to this application.
- b. There is not, as yet, pre-bail assessment report.

4. As the accused person has a constitutional protection, the victim’s family also has a constitutional protection. It is therefore incumbent upon the court to balance the rights of the accused persons and the rights of the victim family in the issuance of the bond/bail to the accused person.

5. In the light of the submissions by the state that they are not opposing bond application, this court, accordingly, will release the accused person on personal bond in the following terms:

- i. A personal bond of Ksh.1,000,000.00 with two sureties of similar amount. The same be approved by the Deputy Registrar of this court, on conditions that**
- ii. He attends court every month for mention of his case until the hearing and disposal of his case or until further court orders.**

iii. The first such mention to be on 31<sup>st</sup> August 2015.

iv. Any one default, the bond will be immediately cancelled and the sureties made to account.

6. It is so ordered.

**Dated, signed and delivered in open court at Kisii this 31<sup>st</sup> day of July 2015**

**HON. C. B. NAGILLAH**

**JUDGE**

**In the presence of:**

Sepele for State

M/S Kaburi for Accused

Samuel Omuga: Court clerk