



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL CASE NO. 44 OF 2014

REPUBLIC..... PROSECUTOR

VERSUS

MWASAMBU MBURA TSUMAACCUSED

RULING

This is an application for bond pending the hearing and determination of this case.

The Accused Mwasambu Mbura Tsuma is charged with the offence of murder contrary to section 203 as read together with section 204 of the Penal Code.

The particulars are that:-

“On the night of 14th day of June, 2014 at Pingilikani village within Kilifi County, jointly with others not before the Court murdered Mwasambu Pole Mwalolo”.

The application for bond is opposed on the grounds that there is high likelihood of the Accused interfering with the prosecution Witnesses as they are relatives.

Further that he may be harmed by relatives who are angry at what he did.

Thirdly, that his accomplices are still at large.

The applicant (Accused) maintains that the investigations in this case commenced on 14th June, 2014 and he was arrested in the month of October, 2014.

During that period the Accused was reporting to police station whilst under investigations and he never absconded.

The facts deponed by the Accused are not controverted nor is his report from Mikondeni Self Help Group.

I am not satisfied that the Accused will interfere with Witnesses if released. He is warned that if he does so the bond if granted to him will be canceled.

The Accused is admitted to a bond of Ksh. 500,000/= and surety of similar amount. Hearing on 4th November, 2015.

Ruling read and delivered in open Court this **27th** day of **August, 2015**.

.....

M. MUYA

JUDGE

27TH AUGUST, 2015

In open Court in the presence of:

Mr. Masila for the State

Maundu for the Accused