



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL CASE NO. 51 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

LILIAN AYUMA ATIATO.....1ST ACCUSED

PAMELA ATIENO ODENDE.....2ND ACCUSED

RULING

Lilian Ayuma Atiato, 1st accused, and Pamela Atieno Odende, 2nd accused person are charged with the murder of David Gichuki Kareri contrary to section 203 read with section 204 of the Penal Code. The offence is alleged to have been committed on 8th day of May 2015 at Mbotela Estate in Makadara District within Nairobi County (*sic*).

Each of the accused persons filed a Notice of Motion praying to be admitted to bail pending the determination of this case. Both applications are dated 21st July 2015 and filed on the same date. They have annexed respective affidavits in support of each application. The applications are anchored on section 124 of the Criminal Procedure Code and Article 49 (1) (h) of the Constitution.

The application is not opposed by the state but the prosecution counsel asked the court to set stiff terms and conditions of bail.

I have considered the application and the supporting affidavits. The accused persons have told the court that they are citizens of Kenya and they have resided in Kenya all through their lives; that they are not flight risks and that they will abide by the terms and conditions of bail that this court will set.

There being no opposition to the application and after considering the legal provisions governing granting of bail, I hereby admit Lilian Ayuma Atiato and Pamela Atieno Odende to bail pending the hearing and determination of this case. **Each of them will execute a bond of Kenya Shillings One Million (Kshs 1,000,000) with one surety of the same amount.** In the alternative **each accused person is at liberty to pay cash bail of Kenya Shillings Five Hundred Thousands (Kshs 500,000).** They are also cautioned about respecting the terms of bail by attending court every time they are called upon to do so. Orders made accordingly.

Dated, signed and delivered in open court this 22nd October 2015.

S. N. MUTUKU

JUDGE

In the presence of:

Ms Ikol, prosecution counsel

Ms Ekin, defence counsel

Ms Lilian Ayuma Atiata, 1st accused

Ms Pamela Atieno Odende, 2nd accused

Mr. Danied Ngumbi, court clerk