

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAMIRA

CRIMINAL CASES NO.35 of 2015

REPUBLIC.....STATE

-VERSUS-

GEOFREY ANYONA OYUGI.....ACCUSED

R U L I N G

This first application for bond was dated 19th December, 2014. The bond was denied especially, on the strength of the pre-bail assessment report on 22/07/2014.

The applicant now applies for the review of that ruling. The State is yet to respond, today, the 11th Hon. State has asked for further time to 14th December, 2015 by which time, they will be in possession to respond.

However, bond being a constitutional right of the accused person as per **article 49 (i) (h)** the court will proceed to consider the accused application, notwithstanding that the State is yet to respond.

In the earlier pre-bail assessment report, the community from which the accused comes were vehemently against the accused's release as their bitterness and anger was very evident. The court does not have view of the situation as of now.

Another negative factor vis-à-vis the accused then, was that he suffered from mental lapses which made him become confrontational and violent to whomever he met. Again the court has no benefit of whether or not this syndrome still occurs.

The victim's family may still be seething with bitterness. The court need to know the position before make a decision, lest his release brings harm to him

Therefore pending the response from the State and the Probation further report, this court will still deny the accused bond.

Should the two reports be favourable the will hesitate to release the accused person upon reasonable conditions as by constitution as deemed.

It is so ordered.

Dated and delivered at Nyamira this 14th day of December, 2015.

C. B. NAGILLAH

JUDGE

In the presence of:

Kaburi for the applicant

Malesi for the Respondent

Mercy Court Clerk