



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**  
**CRIMINAL CASE NO. NO.49 OF 2015**

REPUBLIC.....PROSECUTOR

VERSUS

COSMAS MOKAYA MAGORI.....ACCUSED

**RULING**

1. The accused person herein **COSMAS MOKAYA MAGORI** is charged with one count of **murder** contrary to **Section 203** as read with **Section 204** of the **Penal Code**.
2. The particulars of the charge are that on 29<sup>th</sup> August 2015 at Sosera Sub-location in Masaba South Sub-county within Kisii county murdered **EUNICE AYUMA MOKAYA**. The accused pleaded not guilty to the charge and applied to be released on bond pending his trial. The state did not oppose the accused's application for release on bond.
3. The pre-bail report was called for but not filed by the time this ruling was being prepared.
4. I note that the application for bond is not opposed by the state and indeed it is the constitutional right of every accused person to be released on bond pending trial except where there is compelling reasons to deny him bond.
5. Accordingly, I allow the accused's application for bond on the following terms:-
  - a. **The accused may be released upon executing his own personal bond of Ksh.500,000/= with 1 surety of a similar amount.**
  - b. **The sureties shall be approved by the Deputy Registrar of this court.**
  - c. **Upon his release, he shall attend court whenever required to do so until the hearing and determination of his case or until further orders of this court.**
  - d. **In the event of default of No. (c) above without any justifiable cause, the bond shall be cancelled forthwith and the sureties called to account.**
  - e. **The first mention shall be on 20<sup>th</sup> January, 2016.**

**Dated, signed and delivered in open court this 11<sup>th</sup> day of December, 2015**

**HON. W. OKWANY**

## **JUDGE**

### **In the presence of:**

- Imbali for the State
- Mosei for Kaburi for the Accused
- Ogega: court clerk