

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CR CASE NO. 74 OF 2012

REPUBLIC.....PROSECUTOR

-VERSUS-

HENRY MURIUNGI BUNDI.....ACCUSED

RULING

1. The accused is facing one count of murder contrary to section 203 of the Penal Code. It is alleged that on 2nd November, 2012 at Kithoka village he murdered Peter Ndumba.
2. The advocate for the accused has filed an application dated 18th March, 2014. It has been brought under Article 49 (1) (h) of the Constitution and section 124 of the Criminal Procedure Code. It requests from this court an order granting the accused bail/bond pending his trial.
3. There are two grounds for the application namely:
 - a. That the applicant was arrested on 8th November 2012 or there about and he has been in custody for almost 1 year and 4 months and the hearing of this matter has never commenced and the matter is likely to take a considerable period of time before its finalization.
 - b. That the applicant is ready and willing to abide by all the terms and conditions that may be imposed by the court and will attend court when required to do so if he will be granted bail/bond.
4. The state has not opposed the application Mr. Moses Mungai, Prosecution Counsel urged that the accused and deceased were neighbours.
5. There is a Pre-Bail Report from the Probation. The Report was non committal on whether to recommend bail or not. All it shows is that apart from the wife of the deceased, no one else opposed bail. The alleged wife lives in Lamu. No reason has been given for her opposition to accused release on bond.
6. Having considered the application and submissions herein I found no compelling reason why accused should be denied bail. I will therefore grant him bail on the following terms:
 - a. **Accused may be released on cash bail of Kshs 250,000.**
 - b. **Alternatively accused may be released on bond of Kshs 250,000 with 2 sureties of like sum each.**
 - c. **Matter will be mentioned on 30th June, 2014 with a view of fixing a hearing date.**

DATED SIGNED AND DELIVERED AT MERU THIS 9TH APRIL, 2014.

LESIT, J

JUDGE