



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

CRIMINAL CASE NO. 18 OF 2012

REPUBLIC.....PROSECUTOR

versus

DEDAN NGOTHO NJUGUNA .....ACCUSED

**RULING ON BOND**

1. The accused person faces a charge of murder contrary to section 202 as read with section 204 of the Penal Code. He pleaded not guilty on 30th May 2012 and on 10th December 2012 was released on bond of Ksh. 300,000/- with one surety of like sum.
2. When the accused person lost his job his mother in law who had stood surety for the same withdrew her surety on 14th February 2014 on the ground that she had a patient in the hospital and therefore needed the title and subsequently the accused advocate then on record Mr. Wahome withdrew from representing the accused.
3. The accused therefore made an application orally in court that his bond terms be reviewed stating that his mother in law who had stood surety subsequently took away his wife and child.
4. To enable the court decide on the application for review of bond terms I ordered for prebail report which has now been filed and in which the officer has recommended that the accused be released on bond. It is also confirmed that the accused was the sole bread winner of his family including his brother whom he was supporting at the university.
5. To decide on the application herein the court must look at what amounts to reasonable bond term in a situation where the accused person is not capable of raising cash bail or securing sureties.
6. The main aim of bond is to secure the attendance of the accused person at his trial, from the probation officer's report, no reason has been advanced to show that the accused will not turn up for his trial taking into account the fact that the accused at the time when his mother in law indicated that she intended to withdraw her surety was working in Mombasa and the same came back to Nyeri and surrendered himself to court.
7. Having considered all the circumstances and submissions herein I hereby review the bond terms given to the accused person as follows:

***a. The accused person shall be released on free personal bond.***

***b. The accused person shall during the time of his trial attend mention before the Deputy Registrar of this court once after every 30 days at a date to be set by the said Deputy Registrar of this court.***

***c. The accused person to report immediately upon his release to report to his area chief and to report to the same each last Thursday of month until the final determination of the case.***

Dated at Nyeri this 17th day of September 2014.

J. WAKIAGA

JUDGE

Court: Ruling delivered in open court in the presence of the accused and Mr. Njue for the state.

J. WAKIAGA

JUDGE