



No. 413/2014

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL CASE NO. 51 OF 2014

**BENARD MBUVI.....APPLICANT/ACCUSED**

**VERSUS**

**REPUBLIC .....PROSECUTOR**

**RULING**

1. By way of Notice of Motion dated **16<sup>th</sup> September, 2014** brought pursuant to the provisions of **Article 49(1) (h)** of the **Constitution**, the Applicant/ Accused herein seeks to be released on bail pending trial.
2. The application is based on grounds that he has a permanent place of fixed abode and hence not a flight risk; he will abide with terms to be set by the court and there are no compelling reasons to deter him from being admitted to bail.
3. The application is supported by an affidavit deposed by the applicant who states that he is married with four (4) children. He takes care of his aged parents. He has no previous convictions and he has a permanent place of residence within **Kitui County**.
4. In a further affidavit he states that he is a Police Officer of a rank of Corporal. The Government is conducting Personnel Audit through Biometric Registration of its employees. If he does not go through the process he stands to loose his job together with his terminal benefits.
5. The State did not object to the accused being released on bail.
6. Bail is a constitutional right unless there is a compelling reason requiring the accused being incarcerated. There being absolutely no reason to deny the accused bail, I grant him bond of Kshs 1,000,000/= with a surety in similar sum.

**DATED, SIGNED and DELIVERED at MACHAKOS this 24<sup>TH</sup> day of OCTOBER, 2014.**

**L.N. MUTENDE**

**JUDGE**