

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO.48 OF 2014

REPUBLIC.....PROSECUTOR

VERSUS

GEOFFREY ANYONA OYUGI.....ACCUSED

RULING

1. This an application for bond by the accused person, **Geoffrey Anyona Oyugi**. He was charged with murder contrary to section 203 as read with 204 of the Penal Code. It is alleged that on 19th day of December, 2012 at Bonyagwe 1 sublocation Broangi Location in Nyamira within Nyamira County in the Republic of Kenya he murdered one **Evans Keraso Sosua** He denies the charge. The case is yet to be heard. He however, asks the court to release him on bond pending the hearing and determination of his case.

2. Article 49(1)(h) of the constitution gives the accused person authority to be released on bond under reasonable terms and conditions, unless there are compelling reasons to the contrary, which reasons the state must file its response in court to show cause that there are those compelling reasons. Since 24th September, 2014, the court has asked the state to show cause why the accused cannot be released on bond. The state filed their affidavit on 18th December, 2014. In it the state has no compelling reasons to have the accused denied bond.

3. The pre-bail report is vehemently against his release. The community could harm him. He is considered a dangerous person in the community. Secondly, nobody is willing, in the family, to stand surety for him, or to raise bond terms that will be required by the court in case he is admitted to bond.

4. Third, earlier on he suffered mental lapses which made him became very violent and confrontational.

5. Fourth, the victim's family are still bitter with him and have not come to talking terms despite their homes' proximity to each other. The report concludes therefore, that an immediate release may not be expedient but he may be considered at some later time.

6. Accordingly, the application for bond is hereby dismissed for reasons above described. The applicant could renew his application perhaps after a year or so.

7. It is so ordered.

Ruling dated and delivered at KISII this 19th day of December, 2014.

C.B. NAGILLAH,

JUDGE.

In the presence of:-

Anyona holding brief for Kaburi for the applicant.

Otieno for the respondent.

Edwin Mongare Court Clerk.