



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL CASE NO. 29 OF 2014

REPUBLIC.....PROSECUTOR

VERSUS

JOVENSIA GECHEMBA RATEMO.....1ST ACCUSED

TOEL MAEBA ONSATI.....2ND ACCUSED

GEORGE NYAKUNDI alias GUTO.....3RD ACCUSED

CHARLES MAKORI ONTONYI.....4TH ACCUSED

RULING

1. This is an oral application made on 19th November, 2014 by counsel for the four(4) accused persons. The said accused persons, **Yovensia Gechemba Ratemo, Toel Maeba Onsati, Goerge Nyakundi alias GUTO** and **Charles Makori Ontonyi** are charged with the offence of murder contrary to Section 203 as read with 204 of the penal Code. It is alleged that between the night of 17th February, 2014 and 18th February, 2014 at unknown time at Bonyangatanyi sublocation in Kisii Central District within Kisii County in the Republic of Kenya, jointly murdered **Widen Maeba Nyaata**. They deny the charge. And pending the hearing and determination of their case, they apply for bond.
2. The offence of murder is bailable under article 49(1)(h) of the constitution of Kenya unless there are compelling reasons why they should not be granted bond. It is incumbent upon the state to give reasons, compelling or otherwise, on the application of bond. The state promised to file their response well in advance to enable consider the matter of bond comprehensively.
3. In the meantime the court has a pre-bail assessment report filed on 6th June, 2014, touching on only one accused person, that is Yovensia Gechemba Ratemo, aged 60 years. The situation on the ground is vehemently anti this accused person. To exhibit the volatility on the grounds the community have razed down her two houses, evidently she is not wanted there.
4. Accordingly, the court declines to allow the application made for bond. She- the accused- is safer staying in custody until the hearing and determination of her case.
5. It is so ordered.

Dated and delivered at KISII this 15th day of December, 2014

C.B. NAGILLAH,

JUDGE.

In the presence of:-

Bigogo holding brief Kaburi for all the applicants

Majale for the state for respondent

Edwin Mongare Court Clerk.