



REPUBLIC OF KENYA

High Court of Kisii

Criminal Case 31 of 2012

REPUBLIC
.....PROSECUTOR

VERSUS

COLLETA KWAMBOKA ISENA
ACCUSED/APPLICANT
7/2/2013

Before R.N. Sitati, J

Bibu – cc

Mr. Imbali hb for Mr. Mutuku (present) for State

Mr. Nyagaka (present) for Accused

RULING

1. The accused herein is charged with murder contrary to **section 203** as read with **section 204** of the **Penal Code**. She is alleged to have committed the offence on the 8th February 2012 at Omobiri village in Masaba South District of Kisii County. She is alleged to have murdered Duncan Osoro Isena. She has pleaded not guilty.
2. She now prays to be released on bond pending hearing and determination of her trial. She makes the application under the provisions of **Article 49 (1) and (2)** of the Constitution of Kenya 2010. The application is supported by the grounds on the face of the application and in the supporting affidavit sworn on 30th November 2012.
3. The application is not opposed. Counsel for the state says they do not have any compelling reasons to place before this court that would deny the accused her right to be released on bond pending trial.
4. Taking all the above submissions into account and considering the constitutional provisions cited, I allow the Notice of Motion dated 30/11/2012 on the following terms:-
 - 1) *The accused may be released on her own bond of Kshs.3,000,000/= (Three Million) plus 2 sureties of a like amount.*
 - 2) *The 2 sureties shall be approved by the Deputy Registrar of this Honourable Court.*

- 3) *During the pendency of this case, or until further orders of this court, the accused shall appear for mention of her case every 30 days the first such mention shall be on 07/03/2013.*
- 4) *In default of any one appearance for no good cause, the bond shall stand cancelled.*
5. It is so ordered.

RUTH NEKOYE SITATI

JUDGE.

07/02/2013