



**REPUBLIC OF KENYA**

**High Court at Machakos**

**Criminal Case 25 of 2012**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JOHN WAMBUA KYAMBI .....ACCUSED**

**RULING**

1. The accused herein is charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code.
2. In his application dated 3<sup>rd</sup> December, 2012, he seeks to be released on bail pending hearing and determination of this case.
3. The Application is based on grounds that the Applicant has a permanent place of abode and he is not a flight risk. He is willing to abide with any conditions to be set by the court.
4. In his submission, **Mr. Kasyoka** counsel for the accused stated that there were no compelling reasons that would justify the accused being denied bail.
5. The State counsel **Mr. Mwangi** did not oppose the application. He stated that there was no reason to have the accused denied bail.
6. According to Article 49(1) (h) of the Constitution, an accused person can only be denied bail if there are compelling reasons.
7. There being no reasons warranting the accused being denied bail he is hereby released on bond of 1 million with a surety of similar sum.
8. It is so ordered.

**DATED, SIGNED and DELIVERED at MACHAKOS this 29TH day of MAY, 2013.**

**L.N. MUTENDE**

**JUDGE**