



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL CASE NO. 30 OF 2013

REPUBLIC PROSECUTOR

-VERSUS-

JOSEPH MANYANKI MWITA 1ST ACCUSED

ROSELYNE ROBI MWITA 2ND ACCUSED

RULING

1. The applicants seek to be released on bail pending trial for murder contrary to section 203 as read with section 204 of the Penal Code.
2. The State has filed a replying affidavit by the investigating officer in which they indicate that they have no compelling reasons for the accused not to be released on bail. The State counsel has also confirmed that he does not oppose bail for the accused persons.
3. The Accused 1 is a 60 year old tobacco farmer who owns 200 acres from which he earns kshs. 50,000/= per year from tobacco and about kshs. 60,000/= from other farming activities and who said he had someone to stand surety for him.
4. Accused 2 is a 27 year old who cultivates her father-in-law's tobacco crop earning kshs. 25,000/= - 50,000/= per year, but she states that she cannot obtain a surety for her bail as she is an orphan.
5. Having considered the primary objection of bail to be to ensure that the accused attends her trial, and noting the no objection by the State and the accused persons circumstances, I grant bail terms for the accused upon terms that:-
 - i. **Each accused will execute their own bond of kshs. 300,000/= and supply one (1) surety from the same amount.**

- ii. As an alternative to (i) above, the accused may deposit with court the sum of kshs. 100,000/= each.
- iii. The Accused shall not to leave the jurisdiction of the court without permission of the court.
- iv. Accused to attend to the Deputy Registrar of the court every 30 days pending the hearing and determination of the trial.

Dated and delivered this 27TH day of JUNE 2013.

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EDWARD M. MURIITHI

JUDGE

In the presence of: -

..... for the Accuseds

..... for the State

Mr. Edwin Mongare Court Clerk