



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT MERU**

**HCCR NO. 32 OF 2010**

***LESIIT, J***

**REPUBLIC.....PROSECUTOR**

**V E R S U S**

**GEOFFREY MUGAMBI NYAMU..... ACCUSED.**

**R U L I N G**

The accused has through his counsel filed a Notice of Motion dated 18<sup>th</sup> June, 2013. It has been brought under Article 49 (i) (h) of the Constitution. It seeks one prayer namely:

- 1. That the accused person be admitted to bail pending the hearing and determination of this matter.**

It is premised on three grounds on the face of the application namely:

- a. That the Accused persons have been in custody since May 2010.**
- b. That the trial against the Accused person is likely to be delayed further since ordinary court business has been affected significantly because of the Election Petitions being handled by this Honourable Court.**
- c. That the accused is willing to abide by any conditions that may be granted by this Honourable Court.**

The Application is supported by an affidavit of even date sworn by the accused. In that affidavit he has annexed a Public Information in form of a Notice dated 30<sup>th</sup> May 2013 allegedly drawn by the Registrar of the High Court. The document has no signature, stamp or certification. It is a mere piece of paper. However it bears general information of which this court is aware and of which I can take judicial notice. That is the fact trials generally in court stations where Judicial officers are pending election Petition will be delayed for a considerable period of time. That position is true of this station.

Mr. Moses Mungai represented the state in this application. The learned State Counsel opposed the application on grounds there were other suspects at large and urged that the likelihood of accused interfering with witnesses if released on bail could not be ruled out. The learned state counsel has not filed any disposition to support his submission. Despite direction by court, the state did not provide statements of witnesses and exhibits the state is relying on. The court is therefore unable to verify the statement by the State Counsel.

I did call for a Pre-Bail Report and the Probation Department graciously filed one. The Probation Officer was non committal on issue of whether bond is recommended or not. However from this Report it is clear that the accused and deceased lived for many years under the care of the accused parents after they took in the deceased after the death of his parents. The accused is therefore well known. He has a fixed place of abode which is also well known. The impression created is

1. Accused is not a flight risk.
2. He is unlikely to interfere with witnesses.
3. There is no danger or threat posed by accused release on bond.
4. There was no serious opposition from any sector to the possibility of accused being released on bail. I will grant accused bail on the following terms.

**1. Accused to sign personal bond in the sum of Ksh.200,000/-**

**2. Accused to provide one surety in sum of Ksh.1 million in addition to his personal bond.**

**3. The matter will be mentioned on 11<sup>th</sup> November, 2013 with a view of fixing hearing dates.**

**SIGNED AND DELIVERED AT MERU THIS 25<sup>TH</sup> DAY OF JULY 2013.**

**J. LESIIT**

**JUDGE**