



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MERU

HCCR NO. 54 OF 2013

LESIIT, J

REPUBLIC.....PROSECUTOR

V E R S U S

HARUN MBAE KIBITI..... 1ST ACCUSED

DENIS MUNENE.....2ND ACCUSED

TITUS MURITHI.....3RD ACCUSED.

RULING

The Applicants are accused persons in this case facing a charge of murder contrary to section 203 of the Penal Code. Their application is dated 1st July, 2013. It has been brought under Article 49 (i) (l) of Constitution. It seeks:

1. **That on the first instance this application be certified as urged and the same be heard on a priority basis.**
2. **That the accused/applicants be admitted to bail pending the hearing and determination of the case herein or such terms as the honourable court may deem fit and just.**
3. **That the honourable court do make further or better orders as may meet the ends of justice.**

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

- a. **That this case is fixed for mention on 20th day of August, 2013.**
- b. **That the applicants are languishing in custody since the 3rd June, 2013.**
- c. **That no prejudice will be occasioned to the prosecution.**

It is supported by an affidavit sworn by 1st accused on his behalf and those of co-accused. Notably the affidavit annexes a document allegedly from Registrar of the High Court.

There is a further supporting affidavit in which the 1st accused has annexed some document allegedly

from Presbyterian Teachers College, Rubate, it appears to be an past examination paper with aggregate mark of 39/70 and bearing names Mbaya Harun.

I have had occasion to peruse the police file containing the statements of witnesses who will be called to testify in this case. It is abundantly clear that the all 3 accused persons are related. It is also clear that their places of abode is well known. And they are well known and can easily be found in case in they choose to jump bail. Considering the statement I have the impression that there is no likelihood that any of the accused persons will interfere with witnesses or that they may pause a danger if released on bail. I will grant bail to the accused persons on the following terms

1. **Each accused will sign a personal bond in the sum of Ksh.100,000/-**
2. **Each accused will provide a surety each in the sum of Kshs. 2,000,000/-**
3. **This matter will be mentioned 11th November, 2013 with a view of fixing a hearing date.**

SIGNED AND DELIVERED AT MERU THIS 25TH DAY OF JULY 2013.

J. LESIIT

JUDGE