



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CRIMINAL CASE NO. 60 OF 2012

REPUBLICPROSECUTION

VRS

SAMUEL MWENDIA MUGIIRA1ST ACCUSED

DAVID MWITI MUGIIRA2ND ACCUSED

SILAS KIRIMI KABURU3RD ACCUSED

R U L I N G

The accused persons have all sought to be released on bail pending their trial before this court.

The application was actually not urged because on the day Mr. Otieno, Advocate for the accused persons should have been heard, the accused persons were not produced in court.

Mr. Makori learned State counsel had occasion to address the court and his submission was that he had not received a response from the DCIO and therefore he did not oppose the application for bail by the accused person.

There are Pre Bail Reports filed by the Probation on the court’s request. These reports on each accused are somewhat similar. In these Reports it is well demonstrated that two of the accused persons are step brothers of the deceased and one of them is a cousin. There appears to have been a long standing dispute in the family.

The Probation Officer is however non committal declining to give any recommendation on the matter. Taking all these issues in the Reports into consideration I have come to the conclusion

1. The accused persons are well known
2. The two brothers do not seem to have a fixed place of abode as they do casual work away from home
3. The accused do not seem to be a flight risk or likely to pose danger to anyone.

In circumstances I will grant them bond on the following terms:-

1. Each accused will sign a personal bond in the sum of KShs.200,000=
2. Each accused will provide one surety each in the sum of KShs.2,000,000/= (2 million)
3. They will come to court for fixing of hearing dates on 11th November, 2013.

DATED AND DELIVERED ON OPEN COURT ON 15TH JULY 2013.

J. LESIIT

JUDGE