



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MACHAKOS**

**CRIMINAL CASE NO. 40 OF 2011**

**REPUBLIC ..... PROSECUTOR**

**VERSUS**

**ESTHER MUNYAMASIA MUTUA..... ACCUSED**

**RULING**

1. The accused is charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code.
2. In her application dated 17<sup>th</sup> June 2013, she seeks to be released on bail pending trial. In the affidavit in support of the application she depones that she is a single mother. She has two (2) children and five (5) grandchildren who depend on her. Following her arrest the children have dropped out of school. She is ailing. She is willing to abide with any conditions to be imposed by the court.
3. **Mr. Mwangi**, learned counsel for the State did not oppose the application. He said that there were no compelling reasons to inhibit her release on bail.
4. According to Article 49(1) (h) of the Constitution it is the accused person's right to be out of bail. Since there is absolutely no reason requiring her to be incarcerated, I do grant the prayer sought.
5. Accordingly, I do release her on bond of 500,000/= with a similar surety.
6. It is so ordered.

**DATED, SIGNED and DELIVERED at MACHAKOS this 19<sup>TH</sup> day of AUGUST, 2013**

**L.N. MUTENDE**

**JUDGE**