



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL CASE NO. 31 OF 2012

REPUBLIC..... PROSECUTOR

VERSUS

- 1. ANN NDUKU KINONDO**
- 2. SERAH KAMENE**
- 3. PETER MUASYAACCUSED**

RULING

An oral application for bond was made on the 25th July, 2013 in respect of the Accused persons. The prosecution asked for time so as to liaise with the investigation officer with a view to finding out whether there was objection to the bond application. The Court did order for a pre-bond report on the Accused persons. The pre-bond report shows that Ann Nduku Kivondo is the mother of Peter Muasya (1st Accused) and Sarah Kamene (3rd Accused).

The report further indicates that the environment where they had been staying is not conducive for their release unless they relocate to to other areas.

Article 49(1) (h) of the Constitution provides,

“An arrested person has the right to be released on bond or bail, on reasonable conditions pending a charge or trial, unless there are compelling reasons not to be released”.

Though the prosecution was given ample time to reply to the application for bond no reasons and or objection to bond has been made. The only reasons are those found in the report by the probation officer which are to the effect that the environment at Mtwapa Kilifi where this offence was committed is not conducive for their stay in that area but they can relocate to another area. It is not indicated that the Accused persons are a flight risk. I find no compelling reason has been adduced by the prosecution to deny them bond. Each Accused person may be released on a bond of Ksh. 1 million with one surety of similar amount.

Ruling delivered dated and signed this **11th** day of **December, 2013**.

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M. MUYA

JUDGE

11TH DECEMBER, 2013

In open Court in the presence of:-

Miss Odhiang for 2nd Accused

Mr. Ayodo for the State

Court clerk Musundi

M. MUYA

JUDGE

11TH DECEMBER, 2013

Court: Hearing 12th March, 2014

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M. MUYA

JUDGE

11TH DECEMBER, 2013.