



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CRIMINAL CASE NO. 12 OF 2012**

REPUBLIC ..... PROSECUTION

=VERSUS=

CARLOS MULI KIMEU ..... ACCUSED

**RULING**

Before court is the bond application made by the accused **CARLOS MULI KIMEU** who faces a charge of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 OF THE PENAL CODE**. The applicant seeks to be released on bail/bond during the pendency of his trial. This application for bail was opposed by the State. It is now a well established fact that Article 49(1)(h) of the Constitution of Kenya entitles **all** accused persons (including those facing capital charges) to be released on bond. The only proviso to this is that a court may decline to grant an accused person bond where '**compelling reasons**' exist to so deny him.

I have carefully considered this bail application as well as the replying affidavit sworn by **INSPECTOR FRANCIS MWIKYA** on 15<sup>th</sup> March 2012. The question of whether or not the accused has a fixed abode is not in my view the key question. The known antecedents of the accused persuade me that he does pose a high flight risk, especially where the charge is as serious as murder. For this reason I decline to admit the accused to bail. He will remain in remand prison pending the hearing and determination of his case.

**Dated and delivered in Mombasa this 26<sup>th</sup> day of March 2012.**

**M. ODERO**  
**JUDGE**

In the presence of:

Mr. Maosa for Accused

Mr. Gioche for State