



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KISII
CRIMINAL CASE NO. 22 OF 2012

REPUBLIC PROSECUTOR

VERSUS

**SAMSON OLE MEYOKI KOSHUKE
.....ACCUSED**

RULING

1. The accused **Samson Ole Meyok Keshoke** hereinafter “*the applicant*” is charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. The particulars of the offence are that on the night of 31st day of December, 2011 and 1st January, 2012 at Ikonge village in Nyamira North District with Nyamira County, murdered **Henry Mochama Oyagi**. He pleaded not guilty to the charge on 22nd February, 2012 and was remanded in custody. He has brought the present application seeking to be released on reasonable terms of bond and/or bail pending trial as allowed by Article 49(i) (h) of the Constitution.

2. The affidavit in support of the application states *inter alia*:

i. That the accused is an administration police officer and that he presented himself to the police after the incident and has collaborated with the police during investigations and;

ii. That he will abide by any terms imposed by the court.

iii. *He has 2 wives and six children 4 of whom are minor.*

iv. *He will not interfere with witnesses.*

3. The application was argued by **Mr. Morintat** counsel for the accused. He submitted that the accused was entitled to bail under Article 49 (i) (h) of the Constitution. He further submitted that the accused is an AP officer (Force no. 89122740) based at Nyamira but whose home is in Transmara District.

4. **Mr. Mutuku** for the respondent submitted that the application was not opposed but asked the court to impose strict terms so as to compel the accused's attendance at his trial. He confirmed to the court that investigations were complete. **Mr. Mutuku** relied on the Replying affidavit sworn by the investigating officer No. 2178599 **C.I James Atali** who is also the DCIO Nyamira Police Division.

5. Pursuant to the court order of 22nd February, 2012, a bail assessment report was prepared and filed in court on 14th March, 2012 by Probation officer **John Agili**. It has based on the social inquiry conducted, recommended that the accused is suitable for bail, subject to the court's consideration.

6. I have given due consideration to the law, the application, submissions by counsel for the applicant and the respondent and the social inquiry report. I find that there is no compelling reason not to admit the applicant to bail. I therefore allow the application on the following terms:-

i. The accused person shall pay cash bail of kshs. One million shillings (kshs. 1,000,000) **or** in the alternative; execute a personal bond of One million shillings (kshs.1,000,000) with two sureties of similar amounts to be approved by the Deputy Registrar of this court.

ii. Upon release the accused shall attend court for the mention of his case once a month until the case is heard and determined. The first such mention shall be on 7th May, 2012.

7. It is so ordered.

Ruling dated, signed and delivered at Kisii this 22nd day of March, 2012.

R. LAGAT-KORIR

JUDGE

In the presence of:

Edwin Mongare court clerk

..... Counsel for the accused/Applicants

..... Counsel for the respondent/Prosecutor

Samson Ole Meyoki Koshuke - accused

R. LAGAT-KORIR

JUDGE