

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CR. CASE NO. 5 OF 2008

REPUBLIC.....STATE COUNSEL

VERSUS

JAMES MURIUKI WERUACCUSED

RULING

The accused James Muriuki Weru is charged with the offence of murder contrary to section 203. When the prosecution's case was in progress, the counsel for the accused sought that the accused person be released on bail pending trial. The application was made on 19th January 2011. The counsel for the accused applied that the accused person be released as provided under Article 49 (h) of the Constitution of Kenya 2010. The court requested the probation officer to assist in preparation of a pre bail report. I have had an opportunity to look at that report and I have formed an opinion that the accused person application for bail pending appeal cannot be allowed. There is a likelihood of the accused suffering a revenge attack from members of the public if he is released at this stage. It is for that reason that his application of bail is rejected. I order that the accused trial proceeds for hearing.

Dates, signed and delivered at Meru this 19th day of May 2011.

**MARY KASANGO
JUDGE**