

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NO. 12 OF 2010

PAUL MUNGAI NTHIGEAPPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

Paul Mungai Nthige filed the notice of motion dated 10/4/2011 pursuant to Article 49(1) H of the Constitution, seeking to be released on bond or bail pending of the murder trial. He was arrested on 20/1/2010 and has been in remand since then. He claims to be a law abiding citizen and will abide by any conditions that court will give. The application was argued by **Mr. Bichanga** on behalf of the Applicant.

Mr. Nyakundi, counsel for the State opposed the application on grounds that there is a witness who is related to the accused who has not yet testified and may be manipulated by the accused if released on bond. The said witness is said to have been reluctant to come to court.

The court has jurisdiction to release the accused on bond unless there are compelling reasons to deny him that right. Interference with witnesses is one of the compelling reasons that would disentitle an accused person bond. In light of what Mr. Nyakundi has stated, I will direct that the witness who is said to be reluctant to testify and is related to the accused, be summoned forthwith to come and give her evidence in the next 2 weeks and thereafter the accused may then be released on bond of Shs.300,000 with one surety of like sum; is ordered to be of good conduct while on bond and should not interfere with the remaining witnesses during the pendency of this case.

It is so ordered.

DATED and **DELIVERED** this 7th day of June, 2011.

R. P.V. WENDOH
JUDGE

PRESENT:

Mr. Bichanga for Appellant
Mr. Nyakundi for Respondent
Mrs. Njoroge watching brief for Complainants
Kennedy – Court Clerk