



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL CASE NO. 9 OF 2009

REPUBLIC PROSECUTION
=VERSUS=
DAVID MOMANYI MATHEWS 1ST ACCUSED
PETER BADA KARISA 2ND ACCUSED

RULING

The 2nd Accused **PETER BADA KARISA** has through his advocate Ms. Maithya applied to be released on bail during the pendency of his trial. The right of all suspects to bail is enshrined in Article 49(1) (h) of the Constitution of Kenya. Mr. Onserio the learned State Counsel did not oppose the application. More importantly the State did not advance any '**compelling reason**' why the accused ought not be released on bail. I have considered the pre-bail report filed by the Probation Department. The accused was gainfully employed before his arrest and has a known fixed abode. He is well known in his local area and his family all reside there. I find no likelihood that the accused will interfere with witnesses as already the majority of witnesses have testified. I therefore allow this application and admit the accused to bail in terms of Kshs.400,000/- + two Kenyan sureties of like sum.

Read in open court

M. ODERO
JUDGE
1.7.2011

In the presence of:
Ms. Maithya for Accused 1
Mr. Mushelle for Accused 2