



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MERU**

**CRIMINAL CASE NO. 43 OF 2011**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ISAACK KOBIA.....ACCUSED**

**RULING**

The accused person, Isaack Kobia, has been 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 as follows:-

***“Isaack Kobia: On 26<sup>th</sup> July 2011 at Kawiru Location, in Igembe South District, within the Meru County murdered Charles Kiamburi.”***

The accused was arraigned in court on 10<sup>th</sup> August 2011. Subsequently, after the plea was taken, the learned counsel Mr. Mbogo applied for the accused to be admitted to bail. In response, Hon. Justice Kasango directed that the probation officer prepare a pre-bail report to assist in determining the suitability of the accused to be admitted to bail. In compliance to that order, the probation officer based in Imenti North compiled a report on 31<sup>st</sup> August 2011. The said report covered various issues. It covered the home report, personal antecedents, community/family position regarding bail, the deceased family opinion and the area administration perception. Significantly, the deceased family has no issues with the accused being admitted to bail so long as he does not interfere with the on going case. The deceased family also confirmed that they have been good neighbours all along until the alleged offence took place. Apart from the above, the father to the deceased has also gone on record as saying that he has no issue with the family of the accused so long as the truth will come out in the end. He also stated that the accused should avoid provoking his family members due to the fact that he is being treated as a suspect in this case. According to the probation officer, the accused person seems to enjoy some confidence within the community that he hails from. He was of the opinion that the home environment is conducive to the admission of the accused on bail. On his part, the learned State Counsel Mr. Motende has urged this court to critically analyze the probation report before making a decision.

After carefully considering the probation report, it is apparent that the family of the deceased is not opposed to the release of the accused on bond. Apart from the above, there also does not seem to be any opposition from the community that the accused hails from, for him to be released on bond. Given the total circumstances that have been explained in the probation report, I hereby admit the accused to cash bail of Kshs. 100,000/=. Alternatively, the accused may be released on bond of Kshs. 500,000/= together with two sureties for a similar amount.

Lastly, the accused is hereby cautioned to be of good conduct and should not interfere with potential witnesses. In the event that I receive any valid complaint against the accused, then the bond will be cancelled.

Those are the orders of this court.

**MUGA APONDI  
JUDGE**

Ruling read, signed and delivered in open court in the presence of:

Mr. Ogoti – Present for the Accused Counsel

Mr. Motende – Present for the State Counsel

**MUGA APONDI  
JUDGE**

**15<sup>TH</sup> NOVEMBER 2011**

**COURT**

Hearing on 25<sup>th</sup> and 26<sup>th</sup> June 2012. Accused remanded in custody.

**MUGA APONDI**

**JUDGE**

**15<sup>TH</sup> NOVEMBER 2011**