



REPUBLIC OF KENYA



KENYA LAW

THE NATIONAL COUNCIL FOR LAW REPORTING

Where Legal Information is Public Knowledge

**Republic v Kasyoka (Criminal Case E003 of 2023)
[2023] KEHC 20440 (KLR) (19 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20440 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL CASE E003 OF 2023**

TM MATHEKA, J

JULY 19, 2023

BETWEEN

REPUBLIC PROSECUTION

AND

ANTHONY MUTIE KASYOKA ACCUSED

RULING

1. Anthony Mutie Kasyoka is charged with murder contrary to section 203 as read with section 204 of the *Penal Code* (Cap 63), Laws of Kenya. The particulars of the offence are that on the 9th day of January 2023 at Kangemi Village, Ngaamba Location of Mukaa Sub-County within Makueni County murdered Kasyoka Musau aged 76 years.
2. He pleaded not guilty to the charges on March 22, 2023.
3. There was no objection to bond – and both the prosecutor Ms Nyakibia, and pro bono defence counsel Mr Muthiani agreed that the court obtains a Pre bail Report from Probation and Aftercare Services Makueni.
4. On April 19, 2023 the court was told that there were threats on the life of the accused. This information came from the prosecution through Mr Tanui prosecution counsel. Pro bono Counsel Mrs Nyaata for the accused was of the view that the matter of the bond could be relooked into when the tension and hostility toward the accused in the community had gone down.
5. From the report the deceased was the maternal grandfather of the accused who was aged 76 years old.
6. The family is not willing to stand surety for the accused as they are still bitter with him and tensions remain high. According to the local administration, should he show up in his home, the State cannot guarantee his safety.



7. It is alleged he could interfere with witnesses but there is no evidence placed before court he is the last born in the family, he is said to have lived away from home for the last five years before the alleged offence – meaning he has no close relations with people at home. Bond is dis recommended.
8. However in my view the reasons given can be dealt with through conditional bond terms. Hence the accused may be released on
bond of Kshs 300,000/= with one surety of a similar amount, on condition that he does not visit his village, sub location or location or contact any of the witnesses during the pendency of this case.
9. In default his bond terms may be canceled and he be remanded in custody.
10. Orders accordingly.

DATED SIGNED AND DELIVERED THIS 19TH DAY OF JULY 2023

.....

MUMBUA T MATHEKA

JUDGE

CA Mwiwa

Accused present

Mr. Tanui for state

