



**Republic v Mulili alias Kyumbe (Criminal Case 9 of 2018)
[2023] KEHC 20633 (KLR) (19 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20633 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL CASE 9 OF 2018**

**TM MATHEKA, J
JULY 19, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

KIOKO MULILI ALIAS KYUMBE ACCUSED

RULING

1. The accused Kioko Mulili alias Kyumbe is charged with murder contrary to section 203 as read with section 204 of the Penal Code. The particulars of the offence being that on 30th day of March, 2018 at Enguli market, Wathini Sub-location, Kasikeu Location in Mukaa District within Makueni County he murdered Francis Muthoka Kimilu.
2. He was suffering from mental health issues and was only declared fit to plead guilty by April 2021. He pleaded not guilty on 14/06/2021.
3. The matter is part heard before Dulu J. who left the station on transfer.
4. A Pre bail Report was filed on 12/07/2021 stating that the two families (of the accused and of the deceased) had reconciled and hence the accused was suitable for bond – I did not see bond terms in the file.
5. The accused has made a fresh application for bond. It is not opposed. The Pre bail Report remains favourable in that the two families live in harmony to date.
6. The application for bond is allowed. He is released on bond of Kshs.100,000/= with a surety of similar amount or cash bail of similar amount.

DATED SIGNED AND DELIVERED VIRTUALLY THIS 19TH DAY OF JULY 2023

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MUMBUA T MATHEKA

JUDGE

CA Mwiwa

Accused present

Mr. Tanui for state

