



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MAKUENI**

**HCCRC NO. E009 OF 2021**

**REPUBLIC .....PROSECUTION**

**-VERSUS-**

**FREDRICK NTHENGE MUNYOKI.....ACCUSED**

**RULING ON BAIL**

1. The accused person herein who stands charged with murder contrary to section 203 as read with section 204 of the Penal Code has applied for bond/bail through defence Counsel Mr. Muthiani.
2. The State through Ms. Gakumu the Senior Prosecuting Counsel for the Director of Public Prosecutions on their part have informed this court that they do not have any compelling reason on which they can oppose bond/bail.
3. I have considered the application for bond/bail and the response of the State thereto.
4. Under Article 49(1) (h) of the Constitution of Kenya 2010, every arrested person has the right to be released on bond/bail on reasonable terms unless there are compelling reasons for denial of the same. The Article in particular provides as follows –

**49(1) An arrested person has the right –**

***(h) to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.***

5. In the present case, the State does not have any compelling reasons and I have myself not come across any compelling reasons. Thus, there is no reason why this application cannot be allowed.
6. I thus allow the application and order as follows:-

***1) The accused person will be released on signing his own bond of Kshs.200,000/= with one surety of similar amount.***

***2) In the alternative, he may be released on payment of cash bail of Kshs.100,000/=.***

***3) He will not interfere with Prosecution witnesses.***

***4) He will attend every mention of the case and the hearing until the case is finally determined.***

**DATED SIGNED & DELIVERED, THIS 4TH DAY OF MAY 2021, IN OPEN COURT AT MAKUENI.**

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**GEORGE DULU**

**JUDGE**