



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. E025 OF 2021

REPUBLIC.....PROSECUTOR

VERSUS

AMOS SIMIYU NANDWOLI.....ACCUSED

RULING

1. **AMOS SIMIYU NANDWOLI** is charged with the offence of murder. He pleaded not guilty and has applied for bail pending his trial.
2. I have considered the pre-bail probation report. The accused is 27 years old. He is married with 3 children. His family supports his release on bail.
3. The victim's family is bitter over the loss of their kin and are opposed to the accused being released on bail.
4. It is worth considering the case where the purpose for granting bail is considered. It is the case **R. VS. COUTURE 2004, BCCA 215 (CanLii)** as follows:-

“Considering bail applications with the public in mind can mean different things in different contexts. In some cases, it may require concern for further offences. In other cases, it may refer more particularly to public respect for the administration of justice. It is clear, however, that the denial of bail is not a means of punishment. Bail is distinct from the sentence imposed for the offence and it is necessary to recognize its different purpose which, in the context of this case, is largely to ensure that convicted persons will not serve sentences for convictions not properly entered against them.” [Underlining added.]

5. The dictates of the Constitution are that an arrested person has a right to be released on bail/bond on reasonable conditions unless there are compelling reasons not to be released. There is no compelling reasons in this case and accordingly, the accused will be granted bail.

DISPOSITION

6. **AMOS SIMIYU NANDWOLI** is granted bond of Kshs.500,000/= with two sureties of similar amounts.

RULING DATED, SIGNED and DELIVERED at KIAMBU this 1ST day of JULY, 2021.

MARY KASANGO

JUDGE

Coram:

Court Assistant : Ndege

Accused : Present

For the Accused: Mr. Omondi

Respondent: Mr. Kasyoka

COURT

Ruling delivered virtually.

MARY KASANGO

JUDGE