



**REPUBLIC OF KENYA**

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

**MILIMANI LAW COURTS**

**CRIMINAL CASE NO.49 OF 2018**

**FAITH JADI**

**WESLEY SAMUEL**

**PETER GICHIMU KIAIRE alias MUHIMU.....APPLICANTS**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**R U L I N G**

1. This is a Ruling in respect of an application for the accused persons to be released on bail/bond.
2. The accused persons are charged with the offence of **Murder contrary to Section 203 as read with Section 204** of the **Penal Code**.

The facts are that:-

***“On 2<sup>nd</sup> September, 2018 at Dan Village in Mountain view Area, Dagoretti Sub-county, within Nairobi County, the accused persons murdered DOMINIC NAMBILI ISAYA”***

3. The accused persons, through their counsel, **Mr. Masera** had filed an application vide a **Notice of Motion** dated **5<sup>th</sup> August, 2019** seeking to be admitted to reasonable bond and or bail terms pending hearing. However, the record shows that the same was not pursued.
4. The State, through **M/S Maina** is not opposed to the application for the bond since the civilian witnesses have not testified.
5. The court then proceeded to call for a social inquiry in respect of each accused persons by the Probation Officer. The reports were filed between **29<sup>th</sup> November, 2021** and **1<sup>st</sup> December, 2021** respectively.
6. I have read through the individual reports, and find that although the victim’s family is yet to give an official statement on the matter, the Probation Officer’s recommendation on each accused persons suitability for admissions on bond/bail is favourable.
7. In the circumstances, the application by the accused persons to be admitted to bail/bond is allowed. Subsequently, I proceed to order that:-
  - a) ***Each accused person may be released on his own bond of Kshs.500,000/= with one surety of a similar amount.***
  - b) ***Each accused person to attend court whenever required until the final determination of the trial unless for good reasons, failure to which bond will be cancelled.***

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED THIS 14<sup>TH</sup> DAY OF DECEMBER,2021.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of

M/S Maina for the State

Mr. Wanjohi counsel holding brief for Mr. Masira counsel for accused persons

Gitonga - Court Assistant