



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

MILIMANI LAW COURTS

CRIMINAL CASE NO.49 OF 2019

FAITH JADI)

WESLEY SAMUEL).....APPLICANTS

PETER GICHIMU KIAIRE alias MUHIMU)

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 application. 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 2nd September, 2018 at Dam Village in Mountain view Area, Dagoretti Sub-county, within Nairobi County, the accused persons murdered DOMINIC NAMBILI ISAYA”

2. The court record shows that on **31st October, 2019**, the accused persons’ advocate indicated to court that they had filed a bail application which they had served upon the prosecution which was set down for directions on **4th November, 2019**. On this day, the hearing commenced and nothing was said of the bail application. The hearing proceeded on **5th November, 2019** and again nothing came up with regard to the bail application. The matter was adjourned to **6th November, 2019** for hearing to proceed but again the mention of the bail application was ever pursued until **10th February, 2021** when the counsel for the accused persons, **Mr. Omondi** brought up the issue of there being a pending application for bond/bail. On **23rd September, 2021**, the matter was fixed for mention on **25th October, 2021** for parties to take directions with regard to the bail application.

3. On **25th October, 2021**, when the matter came up for mention, the counsel **Mr. Mesara**, counsel for the accused persons brought up the issue of bail application and urged the court to deal with the application so that the accused persons can be out on bond.

4. **M/S Maina**, the learned counsel for the State responded by stating that there no longer existed compelling reasons for the accused persons to be denied release on bond/bail since all their key civilian witnesses had testified.

5. In view of this, I find that the application dated **5th August, 2019**, by the accused persons to be released on bond is not opposed and proceed to admit them on bond on the following terms:-

a) Each accused person may be released on a bond of Kshs.500,000/= with one surety of a similar amount.

b) Each accused person to attend court as and whenever he/she is required until the final determination of this case, failure to which the bond terms will be cancelled.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT NAIROBI THIS 14TH 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. Masara counsel for accused persons

Gitonga - Court Assistant