



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KIAMBU**

**CRIMINAL CASE NO. E056 OF 2021**

**REPUBLIC.....PROSECUTOR**

**VS**

**GEORGE AMUKE OKOYO.....ACCUSED**

**RULING**

1. The accused is charged with the offence of murder contrary to **Section 203 and 204** of the Penal Code. He pleaded not guilty to that offence and is awaiting his trial. He is seeking bail pending the conclusion of the trial.
2. The accused is a 42 year old man, a father and a husband.
3. The learned counsel for the accused submitted that the accused has a medical condition which requires special care and which might not be accorded in custody.
4. The prosecution did not oppose bail.
5. **Article 49 (1) (h)** of the Constitution 2010 provides for the right of an accused person to be released on bail. That provision is as follows:-

***“An arrested person has the right to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.”***

6. The primary consideration by the court when a bail application is made is, whether the accused will attend trial. This was reiterated in the case **REPUBLIC VS. ROBERT ZIPPOR NZILU (2018) eKLR:-**

***“I associate myself with the view expressed by Muriithi, J in KELLY KASES BUNJIKA VS. REPUBLIC (supra) that:***

***‘It is clear that the primary consideration for bail is whether the accused will attend his trial for the charges facing him, and it must, therefore, be a compelling reason if it is demonstrated that “the accused person is likely to fail to attend court proceedings”. The question in this matter becomes whether there is, on a balance of probabilities evidence that the accused is likely to abscond.’***

7. In the present application no reasons have been presented that would lead to denial of bail.
8. Accordingly, I grant the following orders:-

- a) **GEORGE AMUKE OKOYO** is granted bond of Kshs. 500,000/= and one surety of similar amount.
- b) The accused shall not interfere with the prosecution’s witnesses.

**RULING DATED AND DELIVERED AT KIAMBU THIS 8<sup>TH</sup> DAY OF DECEMBER, 2021.**

**MARY KASANGO**

**JUDGE**

Coram:

Court Assistant : Maurice

For DPP :- Kathambi & Kasyoka

For Accused :- Mr. Kariuki Karanja

Accused : George Amuke Okoyo:- Present

**COURT**

RULING delivered virtually.

**MARY KASANGO**

**JUDGE**