



**REPUBLIC OF KENYA**

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

**HCCR NO. 27 OF 2018 (MURDER)**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JULIUS KITHAKA NDEGE.....ACCUSED**

**RULING**

1. **JULIUS KITHAKA NDEGE**, the Accused/Applicant herein is charged with the offence of murder contrary to **Section 203** as read with **204** of the **Penal Code**. This case is pending for further hearing on 28<sup>th</sup> September 2020.
2. The Applicant's application to be released on bond pending trial dated 12<sup>th</sup> July 2019 was disallowed by this court vide its ruling dated 22<sup>nd</sup> October 2019.
3. The Applicant has now renewed his application citing **Covid 19** pandemic and a medical condition which he says requires surgery. He has sent medical documents indicative of the need for the said medical procedure.
4. The State has opposed this application stating that the applicant is better off in Chuka Prison in so far as **Covid 19** pandemic is concern. The State further opines that the Applicant can be taken to Kenyatta Hospital for an operation if that need arises and insisted that the earlier fears expressed regarding likelihood of witness interference are still valid.
5. This court has considered the Applicant's application for this court to review its decision and allow to be released on bond for purposes of seeking for medical treatment. I have looked at the medical chits sent from Chuka G.K. Prison and it is apparent that the accused suffers from a medical condition which requires medical attention. I am not persuaded that the Applicant should be released on bond only due to **Covid 19** pandemic particularly where circumstances mitigates against the same.

I am however persuaded that **Covid 19** pandemic has made things difficult and there is no denying that as a nation we are living in extra ordinary circumstances. What could have been managed easily in prison in the past may not be easy now because of extra ordinary measures taken to address the pandemic especially in prison.

In the premises I am inclined to allow this application in the face of medical documents supplied to this coupled with circumstances brought by present circumstances of **Covid 19** which complicates medical attention for other medical conditions other than **Covid 19**. In the premises, the Applicant may be released on a bond of **Kshs. One Million** with a surety of a similar amount. If released, the accused is strictly directed to keep off all the prosecution witnesses. He should not make attempts either directly or indirectly to contact them in any way. He should attend court promptly whenever required to do so.

**Dated, signed and delivered at Chuka this 4<sup>th</sup> day of June 2020.**

**R. K. LIMO**

**JUDGE**

**4/6/2020**

Ruling dated signed and delivered via zoom in presence of accused and Maari for State.

**R. K. LIMO**

**JUDGE**

**4/6/2020**