

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NANYUKI

CRIMINAL CASE NO 1 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

CARLOS LELESHIPAN.....ACCUSED

RULING ON BAIL

1. The Accused in this case, **Carlos Leleshipan**, is charged with **murder** contrary to **section 203 as read with section 204** of the **Penal Code**. It is alleged in the information dated 3rd January 2019 that in the night of 25th and 26th December, 2018 at Barseloi Market in Samburu North Sub-County within Samburu County in the Republic of Kenya, he murdered one **Lesunyai Lepete**.

2. On 15th January, 2019 the Accused pleaded not guilty to the charge. His trial is scheduled to commence on 21st May, 2019. The Accused has applied to be admitted to bail pending his trial. The Republic has no objection.

3. Bail pending trial is now a constitutional right that will be denied only for compelling reason; and any condition that the court may impose for such bail, again by constitutional edict, must be reasonable. See **Article 59(1) (h)** of the **Constitution of Kenya, 2010**.

4. As already noted, the Republic has no objection to the Accused being admitted to bail. I have perused the witness statements and documentary evidence supplied to the Accused and to court by the prosecution. I find therein no compelling reason to deny the Accused his constitutional right to bail.

5. In the circumstances the Accused is hereby admitted to bail. He shall be released upon his own cognizance in the sum of KShs 500,000/00 plus two (2) sureties in like sum. It is so ordered.

DATED AND SIGNED AT NANYUKI THIS 11TH DAY OF MARCH 2019

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 14TH DAY OF MARCH 2019