

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 2 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

NICKSON ALUDA.....ACCUSED

RULING

Nickson Aluda, the accused, is facing a murder charge contrary to section 203 as read with section 204 of the Penal Code. It is alleged that on the 13th of December 2018 at about mid-day in Mukuru Kwa Njenga Estate in Embakasi Sub-County within Nairobi County he murdered VM. The accused was arraigned in court on 14th January 2019 to take the plea when the charge was read to him. He pleaded not guilty.

The accused has applied to this court to be admitted to bail pending the hearing and determination of this case. The application is not opposed by the prosecution. I have read the pre-bail report commissioned by this court to inform itself of the social circumstances of the accused. I have noted that the deceased was the daughter of the accused and one Yvonne Nzena who is at large. The deceased was aged 4 months at the time of her death. The probation report was filed on 6th March 2019 and I find it favourable. I have noted that the family members of the accused are supportive of him and are willing to accommodate him at his ancestral home in Shamakhokho in Vihiga County if granted bail.

This court finds no reason not to grant this application and admit the accused to bail/bond. I hereby grant the same and admit the accused to bond in the following terms and conditions:

- (i) The accused shall execute a bond of Kshs 500,000 with one surety of similar amount.
- (ii) Alternatively, the accused shall pay cash bail in the sum of Kshs 200,000.
- (iii) He shall attend court on all days when required to do so until this case is fully determined.

Orders shall issue accordingly.

Delivered, dated and signed this 14th day of March 2019.

S. N. Mutuku

Judge