



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 126 OF 2018**

**REPUBLIC.....PROSECUTOR**

**-Versus-**

**JULIUS MWETERI KANYIRU.....ACCUSED**

**RULING**

1. The accused person **Julius Mweteri Kanyiru** is charged with one count of Murder contrary to **section 203** as read with **section 204** of the **Penal Code**. The particulars of the offence are that:

**“On the 22<sup>nd</sup> Day of October, 2018 at around 4:00 at Gikurune village Athwana Location, in Tigania Central Sub County, within Meru County murdered Sammy Mithika Baibere**

2. The accused person was arraigned in Court on 31<sup>st</sup> December 2018 and until present day he is still in custody. The accused person through Counsel prayed for bail and/or bond on the basis that the accused is not a flight risk and has a fixed abode. Counsel submitted that the Constitution allows all persons to be released on bailable terms.

3. The prosecution did not oppose the bail and bond terms being issued. The pre- bail report also recommends that the accused be granted reasonable bail and bond terms pending the hearing and determination of the case.

**ANALYSIS AND DETERMINATION**

4. Having considered the application for bail and there being no compelling reasons to deny the accused bail, I should grant bail/bond on reasonable terms and conditions as commanded in Art. 49 (1) (h) of the Constitution and as guided by the Bail and Bond Policy Guidelines.

5. Accordingly, the accused will be released on on bond on the following terms;

- a. A personal bond of Kshs. 200,000 with one surety of the like sum.
- b. In the alternative, pay a sum of Kshs. 100,000 in cash bail.
- c. The accused shall not threaten harm or interfere with the case/witnesses and shall attend court without fail whenever required to do so.

**Dated, signed and delivered in open court this 5<sup>th</sup> day of March, 2019**

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**F. GIKONYO**

**JUDGE**

In presence of

Ngugi for Riungu for Accused

Namiti for State

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**F. GIKONYO**

**JUDGE**