



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 62 OF 2018**

**REPUBLIC.....DPP**

**VERSUS**

**GABRIEL AMAKOBE MULUNDA.....ACCUSED**

**RULING**

1. The accused is charged with murder contrary to section 203 of the Penal Code as read with section 204 of the Penal Code, Cap 63, Laws of Kenya. The particulars of the offence allege that on the night of 28<sup>th</sup> and 29<sup>th</sup> September 2018 at Munyanza Village, Mutoma Sub-Location of Butere Sub-County within Kakamega County, jointly with others not before court, he murdered Gilbert Lutta. He pleaded not guilty to the charge.
2. What I am called upon to determine is his application for release on bond pending hearing. The application was not opposed by the state, however, the prosecution called for a pre-bail report. The pre-bail report has been filed. It is dated 27<sup>th</sup> November 2018, and was lodged herein on 15<sup>th</sup> January 2019. It is favourable to the accused person.
3. I shall accordingly order that the accused may be released on bail pending trial upon his executing a bond of Kshs. 500, 000.00 backed by a surety of like amount. He shall, while on bond, not contact or interfere with witnesses, and shall attend court at all times whenever the matter shall be due for mention or hearing. His bond is liable to cancellation should he fail to abide by its terms.

**DELIVERED DATED AND SIGNED AT KAKAMEGA THIS 10<sup>th</sup> DAY OF April 2019**

**W MUSYOKA**

**JUDGE**