

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL CASE NO. 42 OF 2018

REPUBLIC.....DIRECTOR OF PUBLIC PROSECUTIONS

VERSUS

MATHIAS ATOLWA MUSAVI.....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 12th July 2018 at Aswani Village, Shiasaba Sub- Location, Shibuye Location of Kakamega East Sub-County, he murdered Benard Muchesia Lasa. 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 27th October 2018, and was lodged herein on 30th October 2019.
3. The report is unfavourable to the accused person. According to the Probation Officer, the ground is still hostile to the accused following the death of the deceased. His houses were burnt down, and his family scattered. It is opined that his release on bail may put him on harm's way.
4. In view of the above, I hereby decline to admit the accused on bail for now, for his own sake. The application for bond may be renewed after six (6) months.
5. The matter shall be allocated a date for hearing at the delivery of this ruling.

DELIVERED DATED AND SIGNED AT KAKAMEGA THIS 14th DAY OF June 2019

W MUSYOKA

JUDGE