

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL CASE NO. 26 OF 2018

MAWIA MUTHAMBII.....APPLICANT/ACCUSED

VERSUS

REPUBLIC.....RESPONDENT/PROSECUTOR

R U L I N G

1. The Applicant/Accused who is charged with the offence of **Murder** contrary to **Section 203** as read with **204** of the **Penal Code** approached this Court by way of Notice of Motion pursuant to the provisions of **Article 49(1)(h)** of the **Constitution** seeking to be released on bail pending trial.
2. The application is premised on the grounds that: the Applicant is a mother of four, with the first born being 15 years and in class 7 while the last born is 6 years and in class 2, the children are on their own; that she is the only breadwinner with a fixed abode which she will not leave until the case is heard and determined; that she resides within the jurisdiction of the court and is ready to be reporting to the Investigating Officer, should the bond terms require so; that the community from where the Accused person hails is not against her and as such there are no threats to her life and that the accused person is ready and willing to participate in the trial till the end.
3. She deponed an affidavit in support of the Application.
4. The Prosecution Counsel, **Mr. Mamba Vincent** did not oppose the Application but urged the Court to grant stringent terms of bail to compel attendance.
5. At the hearing **Mr. Mutisya**, Counsel for the Applicant argued that the Applicant will abide with the terms and conditions that the Court will grant until the matter is finalized. That she will continue coming to Court when and as required.
6. In response, the State Counsel stated there were no compelling reasons as to why the Accused/Applicant should not be released on bail.
7. That being the case I grant the Accused/Applicant bond of **Kshs. 300,000/=** with a surety in similar sum.
8. It is so ordered.

Dated, Signed and Delivered at Kitui this 17th day of July, 2019.

L. N. MUTENDE

JUDGE