

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

CRIMINAL CASE NO.17 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

DANIEL GITETE LOTIRA.....ACCUSED

RULING ON BAIL

1. The Accused in this case, **DANIEL GITETE LOTIRA**, is charged with *murder* contrary to *section 203* as read with *section 204* of the *Penal Code*. It is alleged in the information dated 29/08/2019 that on 05/08/2019 at Ethi in Buuri-West Sub-county within Meru County, he murdered one **TIMOTHY NCHARA IBIIRI**. On 09/10/2019 the Accused pleaded not guilty. His case is not yet set down for hearing.
2. The Accused has asserted his constitutional right to bail pending his trial. The Republic has no objection.
3. Bail pending trial is now a constitutional right for all criminal offences which may be denied only for compelling reason. Furthermore, and again by constitutional edict, any conditions that the court might impose for such bail must be reasonable. For all that see *Article 49(1)(h)* of the *Constitution of Kenya, 2010*.
4. I have perused the witness statements and other documentary evidence, copies of which were supplied by the prosecution to the Accused and to the court. I do not find any compelling reason there to deny the Accused bail.
5. I will in the event admit him to bail. He shall be released upon his own cognizance in the sum of KShs 300,000/00 plus one surety in like sum. It is so ordered.

DATED AND SIGNED AT NANYUKI THIS 20TH DAY OF NOVEMBER 2019

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 21ST DAY OF NOVEMBER 2019