

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

CRIMINAL CASE NO 10 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

PATRICK MARWA.....ACCUSED

RULING ON BAIL

1. The Accused in this case, **PATRICK MARWA**, is charged with *murder* contrary to **section 203** as read with **section 204** of the *Penal Code*. It is alleged in the information dated 13/05/2019 that on 04/05/2019 at the Administration Police Line Two (AP Line 2) within Maralal Town in Samburu County, he murdered one **DUNCAN CHERUIYOT**.

2. The Accused's plea was taken on 28/10/2019. He pleaded not guilty. Hearing of the case is scheduled to commence on 17/02/2020. In the meantime the Accused has asserted his constitutional right to bail pending trial. The Republic has no objection to such bail.

3. Bail pending trial is now a constitutional right for all criminal offences that may be denied only for compelling reason; and any condition for such bail that the court might impose, again by constitutional edict, must be reasonable. For all this 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 have been supplied to the Accused and to the court by the prosecution. I cannot find any compelling reason there to deny the Accused bail.

5. I will in the event admit the Accused to bail. He shall be released upon his own cognizance in the sum of KShs 500,000/00 plus two (2) sureties 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