

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITUI

CRIMINAL CASE NO. 7 OF 2018

SIMON MUTHUI KITULA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

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 ground that the Applicant has a right to being released on bail as there are no compelling reasons to have him denied the same.
3. The Prosecution Counsel, **Mr. Mamba Vincent** deposed an affidavit dated **17th April, 2018** opposing his release on bail on the ground that the Applicant may interfere with witnesses and is likely to abscond considering the fact that he faces a serious charge.
4. At the hearing **Mr. Ngala Mulonzya** Counsel for the Applicant argued that the father of the Accused would be his surety therefore he would not abscond and he would not interfere with witnesses.
5. In response **Mr. Mamba** stated that he had liaised with the Investigating Officer and established that there was no compelling reason why the Accused should not be released on bail.
6. That being the case I grant the Accused/Applicant bond of **Kshs. 2,000,000/=** with a surety in a similar sum.
7. It is so ordered.

Dated, Signed and Delivered at Kitui this 17th day of May, 2018.

L. N. MUTENDE

JUDGE