



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KERUGOYA**

**MURDER CASE NO. 6 OF 2017**

**REPUBLIC.....APPLICANT**

**V E R S U S**

**DAVID GITARI KAROKI.....RESPONDENT**

**RULING**

The accused person David Gitari Kariuki filed a notice of motion under **Article 49(1) and 50(2) of the Constitution** seeking an order that he be granted bond/bail pending the hearing and determination of this suit.

The state did not oppose the application.

Bail is a constitutional right which an accused person is free to enjoy unless there are compelling reasons not to release an accused on bail. **Article 49(1)(h)** of the constitution provides:

***“An arrested person has the right –***

***To be released on bond or bail on reasonable conditions, pending a charge or trial unless there are compelling reasons not to be released.”***

A pre-bail report was filed in court by J.M. Masavi County Probation Officer. Safe for the victims relatives who are still traumatized at what happened to one of their own, there is no compelling reasons to deny the accused bail. Bail is recommended as the accused has strong family and community ties, has a fixed abode and has supportive family which is willing to stand surety for him. In view of these I will grant the accused bail.

I order that the accused be released on a bond of Kshs 2,000,000/- plus one like surety. He will be required to attend court as directed until the case is finalized.

**Dated at Kerugoya this 20<sup>th</sup> Day of September 2018.**

**L. W. GITARI**

**JUDGE**

Read out in open court,

Accused – Present

M/s Muthoni S/C.

C/A – Naomi

This 20<sup>th</sup> September 2018.

**L. W. GITARI**

JUDGE