

KTI.NO. 420/2018

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

HCR. CASE NO. 25 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

MUEMA KIVWIA.....ACCUSED

R U L I N G

1. By an application dated **28th** day of **September 2018** the Applicant/Accused seeks to be released on bail pending trial.
2. The application is premised on grounds that the applicant has a home and relatives residing within the jurisdiction of the court; he has nothing in his character antecedents, associations and/or community ties in relation to him that is prejudicial to being admitted to jail and that he is unlikely to abscond if admitted on bail.
3. He swore an affidavit in support of the application where he deposed that the court has the discretion to admit him to bail pending trial.
4. The State though learned Counsel **Mr. Mamba** did not oppose the application.
5. Principles upon which an Accused is released on bond pending trial are stipulated in **Article 49(1)(h)** of the **Constitution** that provides thus:

“(1) An arrested person has the right—

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

6. Bail pending trial is a constitutional right and since there are no compelling reasons why the Accused/Applicant should be incarcerated, he is hereby granted bail of **Two (2) Million Shillings (Kshs. 2,000,000/=)** with a surety of similar sum.
7. It is so ordered.

Dated, Signed and Delivered at Kitui this 4th day of October, 2018.

L. N. MUTENDE

JUDGE