



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL CASE NO. 1 OF 2018**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**LINET NASIMIYU.....ACCUSED**

**RULING**

Linet Nasimiyu is charged with the murder of Margaret Nyaboke which is alleged to have occurred on the night of 11<sup>th</sup> December 2017 at Mukuru Kwa Reuben Slums in Industrial Area within Nairobi County. She has denied committing this offence. Pending the hearing and determination of this case, Linet has moved this court by way of Notice of Motion filed on 4<sup>th</sup> October 2018 supporting by her own affidavit sworn on 4<sup>th</sup> October 2018 and filed on the same day seeking to be admitted to bail/bond. The grounds in support of the application are found on the face of the application and the supporting affidavit. She states that she is the sole bread winner of her five children; that her children have been left without a caregiver after she was arrested and that her children rely on well-wishers in Mukuru Kwa Reuben where they live. She says that she is not a flight risk and will abide by the terms and conditions of bail set by this court; that she will not interfere with witnesses.

The application is not opposed by the State. However the Prosecution asked for a pre-bail report from the probation officers. The court allowed the application to have a pre-bail report filed. However from 11<sup>th</sup> October 2018 to 6<sup>th</sup> November 2018 this report has not been filed. This court decided to consider the application notwithstanding the absence of the report.

I have considered the application and I have no reason to decline granting the same. I will and do hereby admit the accused to bail/bond on the following term and conditions:

- (a) The accused shall execute a bond of Kenya Shillings One Million (Kshs. 1,000,000) with one surety of similar amount.
- (b) The accused is at liberty to deposit Cash Bail of Kenya Shillings Three Hundred Thousand (Kshs 300,000) with the Registrar of this Court.
- (c) The accused shall attend court at all times she is required to attend until the case is fully determined and concluded.
- (d) The accused shall not do anything that may compromise the fair trial of this case.

Orders shall issue accordingly.

**Delivered, dated and signed this 13<sup>th</sup> November 2018.**

**S. N. Mutuku**

**Judge**