

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

LESIT J

HIGH COURT CRIMINAL CASE NO. 16 OF 2018

REPUBLIC.....PROSECUTION

VERSUS

ERASTUS WACHIRA MUCHORI.....ACCUSED

RULING ON BAIL

1. The accused person **Erastus Wachira Muchori** is charged with the offence of murder contrary to **Section 203** as read together with **Section 204** of the **Penal Code Cap 63 Laws of Kenya**.

2. I have considered the period in which the accused has been in custody since he was arraigned in court on 26th March 2018 which is eight (8) months.

3. I have considered that the prosecution was not opposed to bail as there were no compelling reasons and urged that if it was granted the accused should not interfere with witnesses.

4. I also took into consideration the submissions by the defense counsel Mr. Oduor that the accused has a place of abode at Shauri Moyo.

He further urged that he has a way of sustaining himself as he was a lorry driver. His brother is a pastor can stand as a surety for him.

5. Having considered the application for bail before me and the submissions by both counsels, I find that it is the court's duty to grant bail/bond on reasonable terms and conditions in order to enforce **Art. 49 (1) (h) of the Constitution** and in compliance to the **Bail and Bond Policy Guidelines**.

6. I will therefore grant the accused person bail/bond on the following terms which the accused is expected to strictly comply with. The accused may be released on bail and bond:

a) He may be released on a cash bail of Kshs. 100,000/=

b) The accused may in the alternative be released on a bond of Kshs. 250,000/= with one surety of like sum.

c) The accused should not interfere with witnesses and should relocate to a different place as most witnesses reside in the same place where the accused lived before.

d) The accused should comply with the set conditions failure to which the court may cancel the bond.

DATED AT NAIROBI THIS 7TH DAY OF NOVEMBER, 2018.

LESIT, J

JUDGE