



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO 15 OF 2018**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**HUSSEIN MUSA BULGE.....ACCUSED**

**RULING ON BAIL**

1. The Accused in this case, **Hussein Musa Bulge**, is charged with **murder** contrary to **section 203 as read with section 204** of the **Penal Code**. It is alleged in the information dated 12/09/2018 that on 31/08/2018 at Wiyumiririe area of Laikipia Central Sub-County in Laikipia County, he murdered one **Francis Gitu Mathenge**.
2. On 24/10/2018 the Accused pleaded not guilty to the charge. His trial is scheduled to commence on 28/01/2019. He has sought to be admitted to bail in the meantime. The prosecution has no objection.
3. Bail pending trial is now a constitutional right for all criminal offences that will be denied only for compelling reason. Any condition for such bail, again by constitutional edict, must be reasonable. For all this see **Article 49(1) (h)** of the **Constitution of Kenya, 2010**.
4. As already pointed out, the prosecution has no objection to the Accused being admitted to bail. I have perused the witness statements and documentary evidence supplied to the Accused and to the court by the prosecution. I find nothing therein to warrant denying the Accused his constitutional right to bail pending his trial.
5. I will in the circumstances admit the Accused to bail. He shall be released upon his own cognizance in the sum of KShs 500,000/00 plus one surety in like sum. It is so ordered.

**DATED AND SIGNED AT NANYUKI THIS 30<sup>TH</sup> DAY OF OCTOBER 2018**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT NANYUKI THIS 1<sup>ST</sup> DAY OF NOVEMBER 2018**