



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT NANYUKI**

**HCR.C. NO. 3 OF 2015**

REPUBLIC ..... APPLICANT

-VERSUS-

ARUMOI LEMIRONI .....ACCUSED

**RULING**

1. The accused, **ARUMOI LEMIRONI**, faces a charge of murder contrary to **Section 203** as read with **Section 204** of the **Penal code**. On **22<sup>nd</sup> May 2015**. He pleaded not guilty.
2. On **25<sup>th</sup> September, 2015** at his request he was released on bond of Kshs. 500,000 plus one surety of similarly amount.
3. On his file being transferred to Nanyuki High Court, from Nakuru High Court he sought for review of his bond terms. It is that application that is under consideration.
4. The accused has based his application on the fact that he comes from a hardship area where the value of land is very low.
5. The learned counsel for Director of Public prosecution (DPP) opposed the application the ground that the terms issued by the learned Judge at Nakuru High Court were sufficient.
6. I have considered the application by the accused. The court in the case **Republic v Joseph Thomas Olang [2014]eKLR** Considering a similar application had this to say:

**“High Court Misc. Criminal Application No. 171 of 2012 at Nairobi** In that case Ochieng, J in his reasoning that the court must not give very easy conditions stated:

***“On the other hand, it is also important that the court should not impose such easy conditions that the accused person would not have any difficulty in meeting the same. If the conditions were very lenient, an accused person may be tempted to abscond, because he would not feel the pain of abandoning the bail or the security deposited in court. It is therefore important that the court determining an application for bail pending trial should conduct a delicate balancing act, so as to get the reasonable conditions for the particular case at hand.”***

The court in the case **Abraham Irungu Maina v Republic [2014] eKLR** also had this to say on what the court should consider when face with an application for bail.

***“In Republic v Danson Mgunya & Ano. HCCR No.26 of 2008. Hon. Ibrahim J, as he then was borrowed from Nigeria a comprehensive list of issues to be taken into account in determining “compelling reasons” not to release an accused person on bail. Some of those issues include the nature of the charges. the gravity of the***

***Punishment in the event of conviction, the strength of the evidence which supports the charges and the likelihood of the accused interfering with witnesses or suppressing evidence that may incriminate him.”***

7. The charge the accused faces is a serious one. I am of the view that the terms of bail granted to the accused were commensurate to the charge. The circumstances of the accused remain the same, now, as they were when those bail terms were issued. Further since this file was transferred to Nanyuki High Court where hearing dates are still readily available there is assurance that this case will be heard within a short time. With that in mind the accused application is dismissed. This case having been fixed for hearing today will now proceed for hearing

Dated and delivered at Nanyuki this 3<sup>rd</sup> February, 2016.

**MARY KASANGO**

**JUDGE**

**Coram**

Before Justice Mary Kasango

C/A Kiruja

For DPP:

For accused:

**Court**

Ruling delivered in open court

MARY KASANGO

**JUDGE**