



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

**AT MERU**

**CRIMINAL CASE NO. 81 of 2015**

**REPUBLIC..... PROSECUTOR**

**VS**

**MORRIS MUGAMBI ..... ACCUSED**

**RULING**

**Morris Mugambi**, the accused herein, is charged with the offence of murder contrary to **Section 203 as read with section 204 of the Penal Code**. He has filed an application dated 9/12/2010 seeking to be released on bond pending the hearing of this case. The grounds upon which the application is made are that, he has a fixed abode at Kaithe in Meru County; that he will faithfully attend court as may be directed by the court; that he has dependants including 2 minors whom he needs to take care of and therefore requests for reasonable bond terms.

The Investigation Officer, IP Paul Ngei wrote to the State Counsel indicating that he had no objection to the release of accused on bond save that he should be warned not to interfere with key witnesses and especially his own daughter by name Favour Kendi.

The court had ordered for a pre bail report which I have read. It is said that there is no opposition from the community towards accused's release on bond and that he has young children that he needs to care for.

Since it was feared that accused may interfere with witnesses, the court directed that accused's daughter, who is a key witness do testify which she has already done.

I take into account the fact that after the offence occurred, though accused did not hand in himself immediately, he did surrender to the police on 5/11/2015 after which he was arrested. It is my view that he is not a flight risk.

The pre bail report does not suggest any animosity from the community. I therefore find that the accused's life will not be in any danger.

In the end, I find that there are no compelling reasons to deny accused bond. I hereby grant bond as follows:

- 1. He may be released on his own bond of KShs.200,000/= with one surety of like sum;**
- 2. Accused is advised to abide by all the bond terms.**

**DATED, SIGNED AND DELIVERED THIS 3<sup>RD</sup> DAY OF MARCH, 2016.**

**R.P.V. WENDOH**

**JUDGE**

**3/3/2016**

**PRESENT**

Mr. Mulochi for State

Mr. Wamache Holding Brief for Mr. Otieno for Accused

Peninah/Ibrahim, Court Assistants

Present, Accused