

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CRIMINAL CASE NO. 52 OF 2015

REPUBLIC PROSECUTOR

V E R S U S

EDWARD LENAYASA ACCUSED

RULING

By the application dated 12/8/2015, the accused person, **Edward Lenyayasa** seeks to be released on bail/bond pending the hearing of this case where he is charged with the offence of murder. The application is based on grounds that he has a Constitutional right to bond; that he has a fixed abode and will attend court as will be required of him; that his family is willing to stand surety for him and that there are no compelling reasons to deny him bond.

In opposing the application, the Investigation officer deposed that the accused murdered his own wife leaving a young baby; that he has no fixed abode; that there is so much anger in the community who are likely to launch retaliatory attacks on the accused.

The accused is charged with the offence of murder which is bailable provided that there are no compelling reasons shown.

I have considered the affidavits sworn both by accused and the Investigations Officer. The court had also called for a pre-bail report which I do take into account.

The victim of the murder was accused's own wife who left a small child. According to the pre bail report, accused's own siblings were interviewed and none of them is willing to bail accused out because of his irresponsible behavior and excessive drinking habits; further to that, they do not have any valuable collateral. This is contrary to accused's deposition that his family is willing to stand surety for him. If his own family cannot stand surety for accused, then it would be difficult to trace him if granted bond, taking into account that he comes from a pastoral community. Further to the above, the local administration interviewed are of the view that the community is not ready to have the accused back in the community and hence his security cannot be guaranteed.

For the above reasons, I find that there are compelling reasons to deny accused bond which I hereby do. Accused will remain in remand pending the hearing of this case.

DATED, SIGNED AND DELIVERED THIS 1ST DAY OF MARCH, 2016.

R.P.V. WENDOH

JUDGE

1/3/2016