



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

**AT NANYUKI**

**HCR.C. NO. 6 OF 2015**

**REPUBLIC ..... APPLICANT**

**-VERSUS—**

**ALEXANDER KARUE WAHOME .....ACCUSED**

**RULING**

1. **ALEXANDER KARUE WAHOME**, the accused, is charged with the offence of murder **Contrary to Section 203 as read with Section 204 of the Penal Code**. He is awaiting his trial after pleading not guilty to the charge. He has applied for the court to grant him bail pending trial.
2. The murder victim was the accused wife. He has two children. He was carrying on boda boda (motor cycle) business in Nanyuki town.
3. He is described as a person of good character by both his family and the Assistant Chief of Kiamariga.
4. His application for bail was opposed by the state. The investigating officer gave two reasons for his opposition to the application. He stated that the accused did not have permanent employment, and that no one knows his home in Karatina hence it would be difficult to trace him if he absconded.
5. I have considered the ground given by the investigating officer and the pre-bail probation report. I am guided, in my consideration of the application, by the case **MOGOTSI AND ANOTHER V THE STATE 1990 BLR 142 (HC)** where it was stated:

*“The practice of admission to bail, as it has evolved in Anglo-American law, is not a device for keeping persons, in jail upon mere accusation until it is found convenient to give them a trial. On the contrary, the spirit of the procedure is to enable them to stay out of jail until a trial has found them guilty. Without this conditional privilege, even those wrongfully accused are punished by a period of imprisonment while awaiting trial and are handicapped in consulting counsel, searching for evidence and witnesses, and preparing a defense.”*

6. In my view and in consideration of the above decision there is no compelling reason why this court should deny the accused his application for bail pending trial. It is for that reason I grant the following orders:
  - a. **ALEXANDER KARUE WAHOME** is hereby granted bail pending trial on his own personal

bond of Kshs. 500,000/= with two sureties of similar amount.

- b. ALEXANDER KARUE WAHOME shall not leave the jurisdiction of this court during the pendency of this case without the leave of the court.
- c. During the pendency of this case ALEXANDER KARUE WAHOME shall reside at Njogu ya Wanjiku Village.

***Dated and Delivered at Nanyuki this 14<sup>th</sup> April, 2016***

MARY KASANGO

**JUDGE**

**Coram**

Before Justice Mary Kasango

Court Assistant – Njue

For state .....

For Appellant .....

Appellant .....

**COURT**

Ruling delivered in open court

MARY KASANGO

**JUDGE**