



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

CRIMINAL CASE NO.106 OF 2010

REPUBLIC.....PROSECUTOR

VERSUS

CHRISTOPHER KIMAIYO MATUM.....ACCUSED

RULING

1. The accused person herein, **CHRISTOPHER KIMAIYO MATUM** is charged with the offence of murder contrary to **Section 203** as read with **Section 204 of the Penal Code**. It is alleged that on 11th November 2010, at Ildorisho village in Transmara West District within Rift Valley Province, he murdered **NDIWA MATUM**.
2. The accused pleaded “not guilty” to the charge on 25th November 2010 and has been in custody since then as he awaits his trial in which so far only 2 witnesses have testified.
3. I have perused the court the court file and noted that the accused has on several occasions complained of ill health and the court has on numerous dates granted orders that he be taken to Kisii Level 6 hospital for treatment.
4. On 9th May 2016, the accused still complained of ill health and claimed that his leg was paralyzed whereupon he pleaded with the court to grant him bond in view of his failing health and the fact that he had been in custody for the last 6 years.
5. The right of every accused Epsom to bond is now provided for in the Constitution under Article 49 (1) (h).
6. The prosecution does not object to the accused being released on bond.
7. I therefore allow the accused’s application for bond on the following terms:
 - a. The accused may be released upon executing his own personal bond of Kshs. 500,000/= with 2 sureties of a similar amount.*
 - b. Once he is released on bond, he shall appear in court whenever he is required to do so by the Honourable Court until the case is heard and determined or until further orders of this Honourable Court.*

c. In default of (2) above, the bond shall be cancelled immediately and the sureties taken to account.

Dated, signed and delivered in open court this 12th day of May, 2016

HON. W. A.OKWANY

JUDGE

In the presence of:

- Otieno for the State
- Kaburi & Soire for the Accused
- Omwoyo court clerk