



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

Criminal Case No. 57 Of 2015

REPUBLIC.....PROSECUTOR

VERSUS

JAIRUS ONDONG'A BIRUNDU.....ACCUSED

RULING

1. The accused herein **JAIRUS ONDONG'A BIRUNDU**, is facing the charge of murder contrary to **Section 203** as read with **Section 204 of the Penal Code**. It is alleged that on 21st December, 2015 at Nyoera Sub-location in Nyamache sub-county within Kisii County, he murdered **EVANS MOMANYI BIRUNDU**.
2. The accused pleaded not guilty to the charge and is currently awaiting his trial.
3. The accused has, through his advocate Mr. Bigogo applied to be released on bond pending his said trial.
4. The state, through Mr. Otieno state counsel did not object to the accused being released on bond as he stated that the investigating officer had no compelling reasons to deny the accused bond.
5. The social enquiry/pre-bail report filed by the probation officer on 29th March, 2016 also favoured release of the accused on bond.
6. In view of the above and taking into account the fact that bond is now a constitutional right of every accused/arrested person under Article 49 (1) (h), I hereby 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.*

Delivered, dated and signed in at Kisii on **9th day of May, 2016.**

W.A. OKWANY

JUDGE

In the presence of:

- Otieno for the State
- Mr. Magara for Bigogo for the Accused
- Omwoyo court clerk