



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
HIGH COURT CRIMINAL CASE NO. 67 OF 2014

REPUBLICPROSECUTOR

VERSUS

SIMON NGIGI MBIRAACCUSED

RULING

1. The applicant was charged with the offence of murder contrary to Section 203 as read together with Section 204 of the Penal Code the particulars of which were that on 19/7/2014 at Ndiuni village within Ndeiya Location in Kiambu County murdered James Waweru Mbira.
2. He pleaded not guilty and by a Notice of Motion dated 30/12/2015 under the provisions of Article 49(1) (h) of the Constitution of Kenya 2010 applied to be granted bond or bail upon reasonable terms.
3. When the matter came up for hearing before me the State indicated that they did not wish to oppose the application for bail/bond. It must be noted that bail is now a Constitutional Right of every accused person which can only be limited if there are compelling reasons which reasons must be advanced by the prosecution on a balance of probability.
4. In compliance with the provisions of the Bond/Bail policy guidelines and victim protection Act, the court ordered for a pre-bail report which had not been submitted as at the time of this Ruling. There being no compelling reasons advanced, the application for the release of the accused on bond is hereby allowed.
5. The accused is charged with the offence of murder and therefore in granting bond terms, the court must take into account the nature of the offence and the possible sentence should the same be convicted. The accused shall therefore be released on bond on the following terms:-
 - a) ***Bond of Kshs.500,000/- with two sureties of similar amount.***
 - b) ***In the alternative bond of Kshs.100,000/- with one surety in addition to cash bail of Kshs.200,000/-***
 - c) ***Upon release the accused shall report to his area chief immediately and thereafter after every 30 days at a date to be set by the said area chief.***

DATED, DELIVERED and SIGNED at Nairobi this 18th day of July, 2016.

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J. WAKIAGA

JUDGE

In the presence of:-

Mr. Magoma for the state

Mrs. Galenywa for the accused

Accused present

Tabitha court clerk