

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 18 OF 2016

REPUBLIC..... PROSECUTOR

VERSUS

DOUGLAS KARANI CYPRIAN ACCUSED

RULING

Douglas Karani Cyprian faces a charge of murder contrary to Section 203 as read with Section 204 of the Penal Code. He filed the motion dated 20/4/2016 seeking to be released on bond pending the hearing of the case.

The State had no objection to the application. The Investigations Officer wrote a note to that effect. The court called for a pre-bail report. The accused is not known to have any criminal record and the family is willing and ready to have him released on bond. However, the family of the deceased is still bitter about their loss. The Probation Officer noted that there is no evidence that accused is a flight risk but that there is still some tension on the ground; that the witnesses are all relatives of both accused and deceased and are likely to be interfered with.

The Probation Officer was of the view that since the offence was committed in January, about 6 months ago, the court should delay the release on bond till the situation is more conducive to accused's release.

The primary consideration in an application for bond is whether accused will turn up for his trial. There is no evidence that accused is a flight risk.

As to the allegation that accused may interfere with witnesses, there is no evidence to support the said contention.

It is 6 months since the incident. Since there is no real threat to accused's life, I find no compelling reason to deny him bond. Accused may be released on **cash bail of KShs.75,000/= or bond of KShs.250,000/= plus one surety of same amount.**

DATED, SIGNED AND DELIVERED THIS 13TH DAY OF JULY, 2016.

R.P.V. WENDOH

JUDGE

13/7/2016

In the Presence of:

Mr. Mulochi for State

Mr. Ojiambo for Accused

Ibrahim/Peninah, Court Assistants

Present, Accused