



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

**CRIMINAL CASE NO. 55 OF 2014**

**REPUBLIC..... PROSECUTOR**

**VERSUS**

**JOHN LOKOMOI .....ACCUSED**

**RULING**

The applicant herein, **John Lokomoi** is charged with the offence of murder contrary to **Section 203 as read with Section 204 of the Penal Code**. He has filed an application dated 19/4/2016 seeking to be released on bond pending the hearing of this case. He has sworn a supporting affidavit in respect thereof where he contends that he is innocent till proven guilty; that he is not a flight risk as he has a fixed abode and is willing to abide by all the terms/conditions that the court may impose.

The State opposed the application and the Investigations Officer, PC Isaac Muthomi swore an affidavit to the effect that the accused has no fixed abode and hence a flight risk. That was the only ground advanced by the prosecution. The primary consideration in such an application is whether the accused will turn up for his trial.

This court called for a probation officer's report. In the report, the probation officer found that the accused hails from Checheles Sub-Location in Isiolo District; that he has siblings who reside there, has a wife and children. The officer made enquiries from the local administration and the community. In my considered view, the accused has a fixed abode and therefore not a flight risk.

The other considerations in an application for bond is whether accused will interfere with witnesses, accused's character and antecedents and the seriousness of the offence.

The Probation Officer's report did not point to any negative attributes that would warrant this court to deny the accused person bond. In the result, I will grant accused person **bond of KShs.250,000/= plus a surety of the same amount or cash bail of KShs.75,000/=**.

**DATED, SIGNED AND DELIVERED THIS 12<sup>TH</sup> DAY OF SEPTEMBER, 2016.**

**R.P.V. WENDOH**

**JUDGE**

**12/9/2016**

**PRESENT**

Mr. Mulochi for the State

Ms. Nelima for Accused

Ibrahim/Peninah, Court Assistants

Present, Accused