



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERUGOYA
CRIMINAL MURDER NO. 11 OF 2016

REPUBLIC.....PROSECUTOR

AND

SAMUEL MURIMI KARUGUMI.....ACCUSED

RULING

1. Before me is a Notice of Motion dated 18th July, 2016 made by Samuel Murimi Karugumi the applicant herein who is standing trial for the murder of John Gichobi Karugumi. The applicant is seeking to be released on bond pending trial on the grounds that he has a constitutional right to bail pending trial as there are no compelling reasons to deny him the same.
2. The state through Mr. Omayo from the Office of the Director of Public Prosecutions told this Court that they have no objection to the application for bail/bond pending trial. I have considered the social inquiry report about the accused and noted that it is favourable to the application.
3. The Applicant being an accused person has a right under **Article 49 (1) (h)** of the Constitution to be released on bond/bail on reasonable conditions pending trial unless there are compelling reasons to be denied that right. He is also presumed innocent until proven guilty and that presumption of innocence is imbedded in the **Constitution of Kenya 2010 (Article 50 (2) (a).)**

In the premises I find merit in the application dated 18th July, 2016.

The same is allowed. The accused person can be released on a bond of Kshs. 1 Million with one surety of a similar amount. This case was scheduled for mention on 7th December, 2016 with a view to fixing a hearing date. This case shall therefore be mentioned on that date for that purpose.

Dated and delivered at Kerugoya this 8th day of September, 2016.

R. K. LIMO

JUDGE

8.9.2016

Before Hon. Justice R. K. Limo J.,

State Counsel Mr. Sitati

Court Assistant Naomi Murage

Accused present

Interpretation: English-Kikuyu

Ngangah for accused present

Sitati for State present

COURT: Ruling signed, dated and delivered in the open court in the presence of Ngangah advocate for the applicant and Sitati for State.

R. K. LIMO

JUDGE

8.9.2016