

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 90 OF 2015

REPUBLIC..... PROSECUTOR

VERSUS

CYPRIAN MUINDI 1ST ACCUSED

ONESMUS KAMANJA 2ND ACCUSED

RULING

The Notice of Motion dated 26/7/2016 is filed by Ms. Thibaru on behalf of the 2nd accused, **Onesmus Kamanja** who is charged with the **offence of murder contrary to Section 203 as read with Section 204 of the Penal Code**. The accused 2 seeks to be released on bond pending the hearing of his case. The application is based on grounds found in the body of the application and his own affidavit. The grounds are that he is ready to abide by any conditions that the court may impose; that he has been advised that the case may take too long before it is heard; that he is not a flight risk since he was born and raised in Igembe North Constituency of Meru County where he resides with his parents.

The State did not oppose the application for bond. The investigations officer wrote a letter to the court indicating that there are no compelling reasons to deny accused 2 bond.

The court called for a pre-bail report which has been filed. I have considered it. Save for the deceased's family members who are opposed to accused's release on bond, the community and administration are not. The accused 2 is said to be 19 years old, a form 2 student though no evidence to that effect was availed. He is also said to have been of good behavior before this incident and had not been involved in any criminal conduct.

The murder was committed in November, 2015. The objection by the deceased's family is understandable because of their painful loss. However, there being no compelling reasons to deny accused bond, the court should not deny him his Constitutional right. Accordingly, I grant accused 2 bond as prayed. He may be released on bond of **KShs.200,000/= plus one surety of like sum or cash bail of KShs.50,000/=**.

DATED, SIGNED AND DELIVERED THIS 5TH DAY OF OCTOBER, 2016.

R.P.V. WENDOH

JUDGE

5/10/2016

PRESENT

Mr. Mulochi for State

Ms. Thibaru for Accused 2

Ibrahim/Peninah, Court Assistants

Present, Accused