



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 43 OF 2016**

**REPUBLIC ..... PROSECUTOR**

**VERSUS**

**PENINAH KARUKI ..... 1<sup>ST</sup> ACCUSED**

**OLIVE MAKENA ..... 2<sup>ND</sup> ACCUSED**

**RULING**

**Peninah Karuki** faces a charge of murder contrary to **Section 203** as read with **Section 204 of the Penal Code**.

By an application dated 18/8/2016, she seeks to be released on bond. She has deponed that the offence is bailable under **Article 49 (1) (h) of the Constitution**; that she is presumed innocent till proved guilty, and there are no known compelling reasons to warrant her to be denied bond; that she has a fixed abode and is ready to attend court as may be required of her; and that she is not a flight risk.

The court called for a pre-bail report which I have considered. The murder took place in July, 2016. The social enquiry report indicates that the deceased's relatives are still very grieved, the event being recent and are not for the release of the accused person on bond. The deceased's relatives' reaction is understandable, having lost their loved one only about 3 months ago. The murder is still very fresh in their minds.

On the other hand, the accused's family and community, including the local administration do not object to the accused being released on bond and that she is not a flight risk. The accused is said to be 64 years old, has a mentally challenged child whom she takes care of and is unlikely to be a flight risk. It is also unlikely that there will be any threat to her security because the co-accused, her minor daughter was released on bond and there has been no threat to her life.

Having considered all the above, I find that there is no compelling reason to deny the accused release on bond. The application for bond is granted. The accused may be released on bond of **KShs.200,000/= plus one surety of like sum or cash bail of KSh.50,000/=**.

**DATED, SIGNED AND DELIVERED THIS 10<sup>TH</sup> DAY OF OCTOBER, 2016.**

**R.P.V. WENDOH**

**JUDGE**

**10/11/2016**

**PRESENT:**

Mr. Mulochi for State

Mr. Muthomi for Accused

Ibrhaim, Court Assistant

Present, Accused