



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 14 OF 2015**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ELIAS SETTILER.....ACCUSED**

**RULING**

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

He prays to be released on bond pending the trial vides an application dated 26/7/2016. He has deponed that he has been advised by his Counsel that he has a Constitutional right to bond, because he is presumed innocent till proved otherwise; that he is willing to abide by all the conditions that the court may impose on him; that he is a Kenyan with a fixed place of abode and will attend court as will be required of him.

The application was not opposed by the State. Cpl. Job Ondieki the Investigations Officer, wrote a letter to court dated 18/8/2016 indicating that there are no compelling reasons to warrant the accused to be denied bond.

The court called for a pre-bail report in which the deceased's father is said to have vehemently objected to the release of the accused on bond for fear of him absconding or interfering with witnesses. The report however, states that there are mixed feelings from the community as to whether the accused should be released on bond or not.

The offence was committed in 2014 and whereas the court understands the deceased's father's loss, yet the emotions should have settled by now and the accused's right to bail should not be curtailed unless there are compelling reasons to do so. The primary consideration in an application for bond is whether the accused will attend the court for his trial. I find that there are no disclosed compelling reasons to deny the accused bond.

I allow the application and grant the accused **bond of KShs.200,000/= plus one surety of like amount or cash bail of Kshs.60,000/=.**

**DATED, SIGNED AND DELIVERED THIS 7TH NOVEMBER, 2016.**

**R.P.V. WENDOH**

**JUDGE**

**7/11/2016**

**PRESENT**

Mr. Mulochi for State

Mr. Igweta Holding Brief for Mr. Kogora for Accused

Ibrahim/Peninah, Court Assistants

Present, Accused