

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 41 OF 2011

GALMA ABAGARO SHANO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The applicant, Galma Abagaro Shano, who is the accused in this case has renewed his application for bail/bond. He is accused of having murdered Mohamed Halkano Duba on 5th May 2011 at Gatina Village in Kawangware Nairobi. He had moved this court before on the same issue seeking to be released on bond pending the hearing and determination of this case. The court (Hon. Lady Justice Korir) heard the initial application and declined to grant the accused bail in her ruling delivered on 2nd October 2013. The Judge however stated that the applicant is at liberty to renew his application for bail once the key witnesses have testified.

The case is fixed for hearing on 3rd and 4th June 2015. Mr. Omari, counsel for the applicant has moved this court by renewing the application for bail. The prosecuting counsel Ms Magoma representing Ms Ikol who has the conduct of this case told the court that the prosecutor is not opposed to the application since all the civilian witnesses have testified and only the formal witnesses, doctors and police officers are remaining.

I have considered the matter and find that I have no reason to deny bail to the applicant. Without any compelling reasons being advanced by the State this court has no basis whatsoever to decline to grant this application. Consequently, I hereby admit the applicant to bail pending the hearing and determination of this case. He shall execute a bond of one million Kenya shillings (Kshs. 1,000,000) with one surety of similar amount. In the alternative he is at liberty to deposit cash bail of three hundred thousand Kenya shillings (Kshs. 300,000) with the court.

Orders are made accordingly.

Dated, signed and delivered this 5th day of March 2015.

S. N. MUTUKU

JUDGE