

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 104 OF 2014

PAUL BIRIGI SAMSON.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. This is an application for bond. The accused was charged in this court with the offence of murder, contrary to section 203 as read with 204 of the penal Code. The particulars of which are that on 14th day of October, 2014 at Getacho sublocation in Masaba south District within Kisii County in the Republic of Kenya murdered David Nahashon Ogise. He denies the offence, hence the case will have to be tried. In the meantime pending his trial, the accused asks for bond.
2. Article 49(1)(h) is the guiding provision of the Constitution in this regard. It gives Constitutional right to get bond to an accused person. At the same time, it make this right subject to compelling reasons if any.
3. In the absence of compelling reasons, the court is inclined, as it must, to grant bond. In the instance case, the state officer- state counsel- had no objection for accused being released on bond.
4. Accordingly, this court will release the accused person on persona bond of kshs. 500,000 with one surety of the same amount. Upon his release is expected to attend court every month for mention of his case until the disposal of the same or until further orders. The first such mention to be on 6th April, 2015.
5. In default any one mention, the bond will be cancelled forthwith. And the surety to be made to account.
6. It is so ordered.

Dated and delivered at KISII this 6th day of March, 2015

C.B. NAGILLAH,

JUDGE.

In the presence of:

Bigogo for the applicant

Otieno for the respondent

Edwin Mongare Court Clerk.