



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MERU

HC CR 59 OF 2012

REPUBLIC.....PROSECUTOR

VRS

JOSEPH MURIUNGI AYUB.....ACCUSED

RULING

This is an application for bond. The grounds upon which the application is premised are that accused has a Constitutional right to be released on bond pending trial because he is presumed innocent till proven guilty; that he will abide by all the terms and conditions; that there is no threat or danger to his life because his family and that of the deceased have reconciled and that his case is likely to take long before it is determined.

The application was opposed and the investigating officer PC Eyata Barasa filed an affidavit in reply. He deponed that the witnesses hail from the same area with accused and there is a likelihood that he will interfere with them; that his life may be in danger if released.

The court called for a Pre- Bail Report which was filed by the probation officer. According to the report, it seems the accused's family and the deceased's have reconciled and there is no likelihood of his life being in danger.

In an application for bond, the court considers the following;

1. That the accused will attend court if released on bond;
2. That he will not interfere with witnesses;
3. The antecedents and character of the accused;
4. That the accused will be safe if released;
5. The seriousness and surety of the sentence;
6. Other considerations depending on the special circumstances of each case.

Bail is a Constitutional right because the accused is presumed innocent till proved otherwise. Bond will only be denied if there are compelling reasons to warrant denial of bond and these reasons include the above stated conditions.

After considering the application and Pre-Bail Report, I find no compelling reasons to deny the accused bond. The only concern is that he has been living in Mombasa and he might escape there. The court therefore grants bond to the accused on the following terms;

1. Accused to deposit in court cash bail of Ksh 100,000/=
 2. In addition, to avail surety of Ksh 400,000/=
 3. To be of good conduct while on bond;
 4. To attend court as will be required of him, in default of any of the above conditions, bond will be cancelled.
5. If he is released on bond, mention on 4th June, 2015.

DATED SIGNED AND DELIVERED THIS 4TH MAY, 2015.

R. V. P. WENDOH

JUDGE

In the presence of:

Mr. Mulochi for State

Mr. Igweta Holding Brief for Mr. Kimathi for Accused

Faith, Court Assistant

Accused