



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL (MURDER) CASE NO.47 OF 2014
PETER KERONGO KERONGO - APPLICANT
VERSUS
REPUBLIC -RESPONDENT

RULING

1. This is an application under certificate dated 29th January 2015 together with supporting affidavit sworn on the same day, that is, on 29th day of January 2015.

The applicant seeks for the following orders:

- a. **THAT this application be certified urgent and be heard on priority basis.**
- b. **THAT applicant be admitted to bail on suitable terms and conditions.**
- c. **Costs in cause.**

Based upon the following grounds:

- a. **THAT the applicant is not a flight risk if admitted to bail.**
- b. **THAT his compatriots have already been admitted to bail.**
- c. **THAT bail is a constitutional right.**
- d. **THAT there are no compelling reasons not to admit the applicant to bail.**
- e. **The applicant shall undertake to observe the terms of bail and be vigilant to attend court when needed.**
- f. **THAT this is a fit application which tilts in favour of the orders sought.**

2. The affidavit in support thereof states as follows:

1. **THAT I am seized of this brief and therefore capable of swearing on behalf of the applicant.**
2. **THAT the applicant was arraigned in Court sometimes on the year 2014 charged with a capital offence.**

3. **THAT the applicant had in the past applied for bond but refused though the Respondent had not made any replies opposing bail or did not adduce any contrary view that the applicant is a flight risk.**
4. **THAT this Honourable Court vide its ruling dated 21st October 2014 alluded to the fact that the applicant needs to reapply hence this application.**
5. **THAT bail is a constitutional right which ought to be given to the applicant.**
6. **THAT I have made sufficient inquiries and established that the applicant is not a flight risk.**
7. **THAT I have also inquired and established that the applicant has sufficient sureties.**
8. **THAT I have also learnt that some of his compatriots have been granted bail.**
9. **THAT subsequent to the commission of the alleged offences herein, the situation on the ground was volatile but now the dust of the battle has settled down.**
10. **THAT this is the most opportune time that the applicant ought to be granted bail.**
11. **THAT I on behalf of the applicant I am pleading to this honourable court to grant the applicant bail on suitable terms and conditions.**
12. **THAT what is deposed to hereinabove is true to the best of my knowledge, information and belief.**

3. The prosecution, through the investigating officer having sworn an affidavit states, inter alia, he has no compelling reason for the denial of bond/bail.
4. The pre-bail assessment report filed on 14th July 2014.

The accused is aged 55 years. He has five children who are in school. One child Evans Mangoi is a long distance driver in Nairobi. The family interviewed are of the view that he should not be given bond. The Probation Officer is of the same view. There is fear that he could run to Tanzania where he once married from.

5. On 21st October 2014 his application for bond was declined. However, the court recommended a later application to review the matter. Hence, this application.
6. In this application he asserts that he is not a flight risk and he undertakes to observe the terms of bail and would be vigilant to attend whenever needed. In any event, it is his Constitutional right to be released on bond on reasonable conditions.
7. Accordingly, I allow the application and order that the accused person will now be released on his own personal bond of Ksh.500,000/= with two sureties of similar amount to be approved by the Deputy Registrar of this court.
8. Upon his release, the accused shall attend court for the mention of his case once a month until the case is heard and determined. The first such a mention shall be on the 10th August 2015.

Any one default the bond shall immediately be cancelled and the sureties made to account.

9. It is so ordered.

Dated, signed and delivered in open court this 10th day of July 2015

HON. C. B. NAGILLAH

JUDGE

In the presence of:

- Otieno for the State
- Sagwe holding brief for Abobo for Accused
- Samuel Omuga: Court clerk