

REPUBLIC OF KENYA

IN THE HIGH COURT OF MERU

HC CR NO. 69 OF 2014

REPUBLIC.....PROSECUTOR

VRS

GLADYS KINYA MBONOACCUSED

RULING

The accused Gladys Kinya Mbono is charged with the offence of murder contrary to Section 203 as read with Section 204 of the PC. She has filed an application seeking to be released on bond and has sworn an affidavit in support of the application in which she deposed that she has been advised that she has an unqualified right to bail as she is presumed innocent till proved guilty; that she is ready and willing to comply with any terms that the court will impose and there are no known compelling reasons to deny her bond.

The application is opposed and the Investigating Officer filed a replying affidavit in which it was deposed that accused is a flight risk as she has no fixed abode and nobody knows where she comes from.

The accused has indeed a Constitutional right to bail but that right is not absolute. If there are compelling reasons, the court will deny her bond. Ordinarily, the court will consider whether the accused will turn up for her trial; whether she will interfere with witnesses; her past character and antecedents and whether she will be safe if released.

This court called for a pre-bail report which I have considered along with the affidavits filed in this case. The deceased in this case was the accused's child. She has another child. Although the probation officer who prepared the report did not sense any hostility from the community and relatives, yet they cannot guarantee that she will be able to attend court as will be required of her because they have not been aware where she has been living for the past 10 years or who the father of the children are. Although she has relatives in Meru, she has not been living with them.

From the foregoing, I find that the accused is a flight risk and is unlikely to turn up for the hearing of her case if released on bond. The application for bond is declined. She will remain in remand pending the hearing of the case.

DATED, SIGNED AND DELIVERED AT MERU THIS 15TH DAY OF JULY, 2015.

R.P.V. WENDOH

JUDGE

PRESENT:

Mr. Mulochi for State

Mr. Kiogora for Accused

Faith/Ibrahim, Court Assistants

Accused, Present