

REPUBLIC OF KENYA

IN THE HIGH COURT OF MERU

HC CR NO. 89 OF 2013

REPUBLIC.....PROSECUTOR

VRS

IDRIS JARSO DIDAACCUSED

RULING

By the application dated 3/3/2015, the accused prays that the court do release him on bond pending his trial. He swore an affidavit in which he depones that he is advised that he has an unqualified right to bail because he is still presumed innocent till proved otherwise; that he will be ready and willing to abide by all the terms that the court will impose and will attend court as will be required of him; that he is not a flight risk as he is Kenyan citizen.

The application was opposed and a replying affidavit was sworn by the Investigating Officer, IP Kasiwai. He deposed that the accused is likely to interfere with witnesses as they hail from the same locality; that he is a flight risk and lastly that his life may be in danger if released on bond.

To grant bond, the court considers whether the accused will attend court as will be required of him; whether he will interfere with witnesses; whether his security is guaranteed and his character and antecedents.

The court has considered the rival affidavits and the pre-bail report that the court requested for. The probation officer interviewed the community members and relatives of accused and established that the deceased's family has not healed emotionally and is keen on avenging the deceased's death. The accused's family are also apprehensive that accused may be killed if released. Despite the fact that the offence was committed about 2 years ago, it seems the situation on the ground is not suitable for the release of accused on bond.

For the above reasons, the court declines to grant accused bond. He will remain in remand till the case is heard and determined.

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

R.P.V. WENDOH

JUDGE

PRESENT

Mr. Mulochi for State

Mr. Kogora for Accused

Accused, Present

