

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CRIMINAL CASE NO. 38 OF 2015

REPUBLIC..... PROSECUTOR

V E R S U S

THOMAS MBAABU M'MUGA ACCUSED

RULING

THOMAS MBAABU is charged with the offence of murder. He is alleged to have murdered his brother. He has filed an application seeking to be released on bond arguing that he has a Constitutional right to bond, is presumed innocent till proven guilty, and he is willing to abide by all conditions that the court may impose.

The State opposed the application through the affidavit of PC WILLIAM KIPRUTO, the Investigation Officer, who depones that the accused is likely to interfere with witnesses; that he is likely to be lynched because emotions are still high since the offence was committed recently.

The court called for a pre-bail report which I have considered together with the affidavits filed herein. The deceased was a brother to accused and the murder was a result of a long standing land dispute over ancestral land and that the family is divided into 2, those who want part of it sold and those against. From an interview of the administration there is no possibility of accused absconding and that he has been a person of good conduct save for the family feud; that he is unlikely to interfere with witnesses with whom he has a dispute. For the above reasons, I find that accused is not a flight risk nor is there any other compelling reason disclosed that would warrant this court to deny him bond. The court will therefore, allow the application and grant accused his own bond of KShs.300,000/= with one surety of the same amount. Accused is advised to abide by all terms of bond.

DATED, SIGNED AND DELIVERED THIS 9TH DAY OF OCTOBER, 2015.

R.P.V. WENDOH

JUDGE

9/10/2015

PRESENT

Mr. Mulochi for State

Mr. Igweta Holding Brief for Mr. Kiogora for Accused

Peninah, Court Assistant

Accused - present