



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO.49 OF 2012

REPUBLIC

VERSUS

CHRISANTUS ONDATI MASEGA.....ACCUSED

RULING

1. On 8th January 2013 this court ruled against releasing the accused on bond because his release at the time would likely lead to further disharmony between the accused and the deceased's family. This was borne out from the affidavit dated 12th June 2012 sworn by No.67867 PC. Alfred Nasio, the Investigating Officer praying that the application for bond be dismissed which application was duly dismissed for reasons therein stated.

However, the applicant was at liberty to apply for bond at a later date when the situation at the family level has cooled and tensions reduced.

2. The accused, **Chrisantus Ondati Masega** was charged with the offence of **murder contrary to Section 203 as read with Section 204 of the Penal Code**. The particulars are that on the night of 4th and 5th March 2013 at Bobaracho village, Kigati Location within Kisii County in the Republic of Kenya murdered **Douglas Masese**.

The court is alive to the fact that bond is a constitutional right under Article **49 (I) (h)**.

3. The prosecution did not file a fresh affidavit, neither was there a fresh pre-bail assessment report to guide this court. The same is left to the discretion of the court.

4. Accordingly, I hereby release the accused person on a personal bond of Ksh.1,000,000/= with two sureties of similar amount to be approved by the Deputy Registrar of this court.

Secondly, if released he is expected to attend court monthly for mention of his case until the determination of this case or until further court orders.

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

Such mention to commence on 21st October 2015.

5. It is so ordered.

Dated, signed and delivered in open court at Kisii this 2nd day of October 2015

HON. C. B. NAGILLAH

JUDGE

In the presence of:

.....for State

.....for Accused

.....court clerk