



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYERI
CRIMINAL CASE NO. 8 OF 2014

REPUBLICPROSECUTOR

versus

JOSEPH KIRINGU MAHINDU.....ACCUSED

RULING

1. The accused person is charged with the offence of murder contrary to section 203 as read with section 204 of the Penal code the particulars of which are that on 2nd March 2014 in Wahuri village in Muhoya location within Nyeri County murdered one FRANCIS NDEGWA NDUNYU.
2. He pleaded not guilty to the same charge and according to Mr. Njuguna Kimani Advocate they have been supplied with all witnesses statements and therefore the accused ought to be released on bond.
3. Mr. Cheboi for the state indicated that the prosecution did not oppose the accused person being released on bond. It therefore follows that the only duty for the court is to assess what would be reasonable bail terms.
4. To do so the court has to look at the nature of punishment should the accused be convicted and the credibility of the accused assurance to attend trial.
5. Taking into account that the accused faces a charge of murder where the same is liable to death sentence if convicted the bail terms must be such that will make the accused turn for his trial throughout.
6. I would therefore allow the accused to be released on bond upon the following terms.

a. Bond of Ksh. 800,000/- with two surety of similar amounts.

b. During the trial the accused shall attend mention before the Deputy Registrar of this court once after every 30 days at dates to be set by the said Deputy Registrar at the time of approving sureties.

Dated, signed and delivered at Nyeri this 16th day of May 2014.

J. WAKIAGA

JUDGE

16/5/14

Coram: Before Justice J. Wakiaga

Court clerk - Ndungu

Mr. Njue for the State.

No appearance by Mr. Njuguna Kimani

Court: Ruling is read in open court in the presence Mr. Njue for the State and the accused in person.
Mention by the Deputy Registrar at the time of approving bond terms.

J. WAKIAGA

JUDGE

16/5/2014