



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
HC CRIMINAL CASE NO. 92 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

JOHN NJERU MABEA..... ACCUSED

RULING

1. The accused is charged with murder contrary to section 203 of the Penal Code. The offence was allegedly committed on 8th November, 2013.
2. The accused seeks bail pending his trial in the Notice of Motion application dated 24th March, 2014. The grounds for the application are that accused has a constitutional right to bail, secondly the accused will turn up for the trial and thirdly that the accused will abide by all bail terms and finally the accused will be of good behaviour.
3. The Applicant has a supporting affidavit sworn by the advocate for the accused. It restates the grounds of the application as set out on the face of the application.
4. The application is opposed through a replying affidavit sworn by CPL Namada, the investigating officer of this case. I have considered the affidavit. Apart from obvious statements about the charge facing the accused and the sentence he stands to face, there is an allegation that releasing the accused on bail may lead to interference with the key witness in the case.
5. There is a Pre-Bail Report. It is clear from the Report that all parties interviewed including the Local Administration and family of the accused were receptive to accused being released on bail. The members of the family of the deceased were opposed to the accused being released on bond.
6. Having considered this application I find no compelling reason not to grant accused bail. The accused is not a flight risk. There is no possibility that the accused may re-offend or interfere with witnesses. The relative of accused said to be the key witness by the investigating officer, is not the only key witness in the case. The others were with the deceased. There is no cogent proof that granting accused bail may adversely compromise the case.
7. I find merit in the application. Consequently I will grant accused bond on following terms:

1. **Accused may be released on bond in the sum of 500,000/= with two sureties of like sum.**
2. **In the alternative the accused may deposit cash bail in the sum of Kshs. 250,000/=.**

DATED SIGNED AND DELIVERED AT MERU THIS 17TH DAY OF JULY, 2014.

LESIT, J,

JUDGE