

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL CASE NO. 42 OF 2013

REPUBLIC..... PROSECUTOR

VERSUS

1. MTSUMBA MUMBA
2. JUMAA MUMBA PEKESHE.....ACCUSED

RULING

An oral application for bond was made under article 49(1)(h) of the Constitution of Kenya by Counsel for the Accused Mr. Nabwana.

Mr Jami for the state did oppose the application on the grounds that the Accused persons, the Deceased and the Witnesses were related and there was likelihood of interference with the Witnesses. The Court called for a pre-bond report which though favourable hinted at tension in the family as the prosecution Witnesses are related to the accused persons. The Witnesses who are related to the Accused persons have already testified and the Court was told that the remaining ones are the Doctor and the investigating officer. The issue of interference with Witnesses therefore does not arise.

Each Accused may be released on a bond of Ksh. 500,000/= with one surety of similar amount.

Ruling delivered dated and signed this **13th** day of **November, 2014**.

.....

M. MUYA

JUDGE

13TH NOVEMBER, 2014

In open Court in the presence of:-

Nabwana for the Accused

Mr. Jami for the State