

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 51 OF 2012

REPUBLICPROSECUTOR

VERSUS

ROSE KERUBO ONDIEKI.....ACCUSED

RULING

1. This is an application dated 19th September, 2013 for the grant of bond to the accused. The accused herein, **Rose Kerubo Ondieki**, is charged with murder contrary to S.203 as read with S. 204 of the Penal Code. It is alleged that she murdered **Elizabeth Kemunto Ondieki** on the 13th day of March, 2012 at Amakura village, Omonono sub-location in Nyamira District within Nyamira County in the Republic of Kenya. She denies the charge. She now wants this Honorable court to be released on bond pending the hearing and determination for her case.
2. The application is brought under **articles, 19, 20, 27, 49, 50 & 159** of the **Constitution, 2010**. Under **article 49(1)(h)** the accused has a right to be admitted to bail, on reasonable conditions pending a trial unless there are compelling reasons not to release her. The state, the prosecutor has a duty to show cause to the court that there are compelling reasons why the accused in this case cannot be released on bond.
3. In this particular case, the state by their affidavit dated 14th November, 2013, says there are no compelling reasons why the accused ought not to be granted bail.
4. The purpose of granting bail is to secure the attendance of the accused in court from the safety of his own home environment. In arriving at the decision to grant bail, the court has to balance the right of the accused person vis-avis the victim and the victim's family as both rights are enshrined in the Constitution.
5. Accordingly, I allow the application and order that the accused is to be released on his own personal bond of kshs. 1,000,000/- with two sureties of similar amounts to be approved by the Deputy Registrar of this court.
6. Upon her release, the accused shall attend court for the mention of her case once a month until the case is heard and determined. The first such a mention shall be on 24th of November, 2014.
7. It is so ordered.

Ruling dated and delivered at Kisii this 3rd day of November, 2014.

C.B. NAGILLAH,

JUDGE.

In the presence of:-

.....for the applicant.

.....for the respondent

.....Court Clerk.