



**REPUBLIC OF KENYA**

**High Court at Meru**

**Criminal Miscellaneous Application 66 of 2012**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**MARTIN MUGENDI MURUNGI.....RESPONDENT**

**RULING**

This is an application by Mr. Mokuu for the accused seeking to have the accused person released on bail. In Mr. Mokuu's brief submission in court he urged that the accused person is 19 years old. He submitted that the accused had promised to abide by the conditions the court will set for his release and urged the court to find him deserving bail pending his trial.

The state is represented by Mr. Moses Mungai who opposed the bail application. In his oral submissions in court Mr. Mungai stated that he had been advised by the investigating officer that there was still animosity between the family of the deceased and the accused who are neighbour's at home. He submitted that after the incident the accused ran away from the area and was arrested much later. He stated that the police was apprehensive that the accused may jump bail.

Mr. Isaboke was the counsel holding brief for the defence and he urged the court to disregard the submissions by Mr. Mungai as being statements from the bar and urged that they ought to have been made through a Replying Affidavit.

I have carefully considered the application. I have also considered the submissions by both counsel and the prebail report by the Probation Officer dated 25<sup>th</sup> January 2013. I have considered the accused person is aged 21 according to the probation officers report. It means he was 20 years at the time of the incident. From the probation report it appears that there is no security threat to either the accused person or the family of the deceased if the accused was released on bail. The accused person is a young man. his father is still living and even though unable economically he is at least available to provide some guidance to the accused person and also cooperate with the authorities in case of a need. The probation report gives a very positive picture of the accused person as one known to be of good character.

Taking all the issues into consideration I find that the accused application for bail pending his trial should be allowed.

I grant the accused bond on the following terms:

- 1. The accused deposit cash bail of Ksh.20,000/-**
- 2.The accused to sign bond in the sum of Ksh.100,000/- with one surety of like sum.**
- 3.The accused should report to the Police Station at Mukuuni Tharaka Nithi County once every month and to produce evidence of such attendance in court when required.**

**DATED, SIGNED AND DELIVERED AT MERU THIS 7<sup>th</sup> DAY OF MARCH, 2013.**

**LESIIT, J.**

**JUDGE**