



**REPUBLIC OF KENYA**

**High Court at Meru**

**Criminal Case 51 of 2011**

**REPUBLIC ..... RESPONDENT**

**VERSUS**

**JOSEPH MEEME ..... 1<sup>ST</sup> APPLICANT**

**EDWARD MURIKI STANLEY ..... 2<sup>ND</sup> APPLICANT**

**R U L I N G**

The accused were charged for the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. On 26<sup>th</sup> June 2012, the applicants filed a Notice of Motion under Article 49 of the Constitution and any other enabling provision of the law seeking the following orders:-

- 1. *That the application be heard urgently and as a matter of priority.***
- 2. *That the applicants be admitted to bond pending the hearing and determination of this case.***

When the application was coming up for hearing on 12<sup>th</sup> July 2012, the State was represented by Mr. Motende who requested the court to call for a pre bail report from the probation officer. Consequently, on 1st October 2012, the learned State Counsel brought to the attention of the court the fact that the pre bail report had already been filed in court. According to the learned State Counsel, both reports are positive for the two accused persons to be granted bond. In addition to the above, the learned counsel stated that he was leaving the matter to the court to exercise its discretion. He also urged the court to order the applicants to provide two sureties each. On the other hand, the defence counsel, namely Mr. Gichunge submitted that the court should consider the said reports and grant the accused bail.

The pre bail report for the 1<sup>st</sup> accused recommended as follows:-

***‘My Lordship, the suspect is 33 years, of sound mind and married. His parents pleaded with the court for lenient bail terms citing that he would not abscond a court process. Family members stated that they will mobilize others in the extended family, friends and well wisher to raise bail if granted. The local provincial administration did not object the same but the victims are opposed to the same.***

***My Lordship, in view of the above foregoing, the decision is open to the court to consider the above mentioned views and order appropriately.”***

On the other hand, the pre bond report for the 2<sup>nd</sup> accused recommends as follows:-

***“My Lordship the suspect is 17 years, of sound mind. His parents pleaded with the court for lenient bail terms citing that he would not abscond a court process.***

- Accused person comes from Akiangondu location which is far away from Naathu Location where the crime took place hence the parents of the victim rarely interact with parents of the offender.***
- The family and relatives are willing to pool their resources together if accused is granted bail***
- Your Lordship, going by the above information I feel the honourable court through its wisdom may grant the offender bail terms. This is subject to discretion of this court.”***

This court has carefully considered the pre bail reports which have been filed by two different probation officers. Apparently, both reports are positive since they are recommending the release of the accused persons on bond. On the other hand, this court also notes that the State does not have any objections to the applications for bond by the accused persons. In view of the above, I hereby direct that the accused be released on a cash bail of Kshs. 200,000/= each. Alternatively, each accused may be released on a bond of Kshs. 200,000/= with two sureties of a similar amount.

Those are the orders of this court.

**MUGA APONDI**  
**JUDGE**

**Ruling read, signed and delivered in the presence of:-**

**PRESENT - APPLICANTS**

**GITONGA FOR GICHUNGE - APPLICANTS' COUNSEL**

**MR. MOTENDE - STATE COUNSEL**

**MUGA APONDI**  
**JUDGE**

**9<sup>TH</sup> OCTOBER 2012**