

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL (MURDER) CASE NO. 47 OF 2014

STATE.....PROSECUTOR

VERSUS

PETER KERONGO KERONGO.....ACCUSED

RULING

1. The accused herein, **Peter Kerongo Kerongo**, is charged with murder contrary to Section 203 as read with section 204 of the Penal Code. It is alleged that he murdered **Silvanus Omboga Makunga** on the 5th day of April, 2014 at Bogetacho village within Kisii Sub-District in Kisii County in the Republic of Kenya. He denied the charge. He now wants this honourable court to release him on bond pending the hearing and determination for his case.

2. This application is brought under article 49(1)(h). Under that article an accused has a right to be released on bond or bail, on reasonable conditions pending a trial unless there are compelling reasons not to be released. The state has a duty to show the court that there are compelling reasons why the accused in this case cannot be released on bond.

3. In this case the state they have not filed affidavit in reply thereof. The purpose of granting bail is to secure the attendance of the accused in court from the safety of his own home environment. The social assessment report is also favourable to the accused, bond is recommended.

4. However, the bail assessment report is not favourable to the accused. The report rejects recommending the accused being released on bond.

5. Accordingly, the court denies bond to the accused and asks the defence counsel may reapply.

6. It is so ordered.

Ruling dated and delivered at Kisii this 21st day of October, 2014.

C.B. NAGILLAH,

JUDGE.

In the presence of:-

Moseti holding brief for Ondari (not in court)for the applicant

Otieno for the state.

Edwin Mongare Court Clerk.