



**Republic v Mwangi & 2 others (Criminal Case E006 of 2022)
[2023] KEHC 3712 (KLR) (27 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3712 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
CRIMINAL CASE E006 OF 2022
CM KARIUKI, J
APRIL 27, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

PETER KANYI MWANGI 1ST ACCUSED

MARTH WAIRIMU KAMAU 2ND ACCUSED

ANTHONY MUTAHI KARUE 3RD ACCUSED

RULING

1. On 24/8/2022, the court made a ruling in regard to the bond/Bail Application by the accused persons, and as for the accused No. 2, the application was successful in view of her circumstance as she had a very small baby.
2. However, for accused No. 1 and 3, the court declined to grant bail/bond and particularly in the ruling, page 3, paragraph 9 held that;

“Judicial discretion is exercised judiciously. The Judiciary Bail and Bond Policy Guidelines of 2015 have provided parameters to assist the court in exercising discretion judiciously. With respect to bail and bond, they require that the court, in granting bail, should consider the seriousness of the offence, the strength of the case, interference of witnesses, failure of the accused to attend, or where the accused is charged with another case, the need to protect the victim(s), the security and safety of the accused, the likelihood of absconding from the jurisdiction of the court and other factors which the court must weigh in the interest of justice. Such an exercise of discretion requires a wholistic approach, and the court must, in close circumspection, take to account the circumstances of the case and the accused person individually. This is a case where the 1st accused wife is alleged to have been murdered by the accused persons, and already there allegedly exist threats of interference of witnesses,



threats of suicides by some of the accused persons, and /or decimation of one of the accused persons.

And this court, ordered in paragraph 10, page 4:

“In the instant case, I am constrained to reject bail application for Accused 1 and 3 and instead fast-track the instant matter’s hearing.”

3. I have perused the entire ruling and witness statements and the said ruling. I find no fundamental changes in the circumstances which could warrant a grant of bail/bond, but instead, the court opts to prioritize the hearing and disposal of the matter.

DATED, SIGNED, AND DELIVERED AT NYAHURURU THIS 27TH DAY OF APRIL 2023

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CHARLES KARIUKI

JUDGE

