



REPUBLIC OF KENYA



**Republic v Njeri (Criminal Case 32 of 2019)  
[2023] KEHC 21777 (KLR) (30 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 21777 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CRIMINAL CASE 32 OF 2019  
PM MULWA, J  
AUGUST 30, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**MICHAEL WAINAINA NJERI ..... ACCUSED**

**RULING**

1. The accused herein Michael Wainaina Njeri is charged with the offence of murder contrary to section 203 as read with Section 204 of the [Penal Code](#). The particulars are that on July 28, 2019 at Dagoretti Market in Kikuyu Sub-County within Kiambu County murdered Kamau Njambi.
2. On May 23, 2023, the accused denied the charge and a plea of not guilty was entered.
3. On the basis of two bail applications filed, counsel for the accused pleads with the court to release the accused person on lenient bond terms, contending he is not a flight risk and that he undertakes to comply with any conditions set by the court.
4. The state is not opposed to the release of the accused on bond but urged the court to call for a pre-bail report.
5. The pre-bail report was filed on July 27, 2023. The community and colleagues around Dagoretti slaughterhouse remember the accused and the deceased, who were great friends, as very hard-working employees. Both used to abuse alcohol but were not known law breakers and the alleged incident shocked the local residents. The accused lost both parents at a young age but his extended family members, who were interviewed, were supportive and promised to ensure he complies with the set bond terms in the event he is released.
6. The pre-bail report stated the accused person has studied up to class 7 due to financial challenges and has not undertaken any technical or vocational skills.



7. The victim's family, though hurt, had since forgiven the accused and were not opposed to his release on bond on any terms.
8. Article 49(1)(h) of the *Constitution* guarantees an arrested person the right to be released on bond/ bail on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.
9. This court in exercising its mandate to either grant or deny bail pending trial is guided by the Judiciary Bail and Bond Policy Guidelines which recognize that an accused person should be released on bond pending trial unless there are compelling reasons. The prosecution is vested with the duty to bring to the attention of the court any compelling reasons that would warrant the denial of bond/bail pending trial.
10. The key consideration by the court in deciding whether to grant or deny bail is the accused attendance in court during the trial. In the instant case, the prosecution has not raised any compelling reasons that would warrant the court to deny the accused bail.
11. In the absence of any compelling reasons, this court will exercise its discretion and allow the application for bail/bond pending trial.
12. In the premises therefore, the accused may be released on a bond of Kshs 500,000 with one surety of a similar amount.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 30TH DAY OF AUGUST 2023.**

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**P.M. MULWA**

**JUDGE**

**In the presence of:**

**Duale – court assistant**

**Mr. Muriuki - for the state**

**Mr. Munene h/b for Mr. Gachau - for the accused person**

**Accused – present in court**

