



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KIAMBU**

**CRIMINAL CASE NO. E047 OF 2021**

**BETWEEN**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ERIC WAMITHI WARUGURU.....ACCUSED**

**RULING**

1. The accused, **ERIC WAMITHI WRUGURU** was charged with the offence of murder contrary to **Section 203** of as read with **Section 204** of the penal code. Particulars are that on 30<sup>th</sup> day of August, 2021 at about 11.00 hours at Kahawa Wendani within Ruiru Sub-county within Kiambu County the accused murdered **Eunice Wanjiru Ndungu**. The accused denied the charge. When the charge was read and particulars explained to him on 3/11/2021, he pleaded not guilty. The court ordered pre-bail report to be prepared and the report was filed in court on 8<sup>th</sup> December, 2021.
2. On 26/1/2022 the prosecutor informed court that they are not opposed to accused being released on bond.
3. I have perused the probation officer's report. I note from the report that the victim's family are opposed to accused being granted bond on ground that he may interfere with witnesses. They are of the view that he should be granted bond after the key witnesses have testified.
4. The family members are willing to deposit title deed in court to secure accused's release and are willing to accommodate him at his home in Juja sub-county if released on bond. They prayed for reasonable bond terms.
5. I also note from the request that the accused has no previous criminal records.
6. There is no doubt that the victim's family are pained by the loss of their kin and are not comfortable with accused being out on bond. They cited interference of witnesses as a reason for their objection. I have not however seen in the report any affidavit by the investigating officer in respect to likelihood of the accused interfering with witnesses. The prosecutor has not raised any objection to accused being released on bond.
7. From the foregoing, I find that no compelling reasons have been advanced to warrant accused being denied bond.
8. I therefore order that accused may be released on bond of Kshs.1m with one surety of similar amount.

**RULING DATED AND DELIVERED AT KIAMBU THIS 27TH DAY OF JANUARY, 2022.**

**RACHEL NGETICH**

**JUDGE**

Coram:

Court Assistant : Kinyua

For DPP :- Ms. Gacharia

For Accused :- Mr. Kimamo

Accused : Present

**COURT**

RULING delivered virtually.

**RACHEL NGETICH**

**JUDGE**