



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. E049 OF 2021

BETWEEN

REPUBLIC.....PROSECUTOR

VERSUS

PMK.....ACCUSED

RULING

1. The accused was charged with the offence of murder contrary to **Section 203** as read with **Section 204** of the Penal Code the particulars are that, on 13th day of September, 2021 at Kirigiti shopping centre in Kiambu East Sub-County, Kiambu County, he murdered **Edward Gichuki Makuti**. The charge and its particulars were read and explained to the accused on 7th October, 2021. He pleaded not guilty to the charge and plea of not guilty was entered.
2. The court ordered the probation officer to provide a report on 4/11/2021. The probation officer's report was filed on 29/11/2021. On 25/1/2022 when the defence counsel applied for bond, the prosecutor indicated that the State is not opposing bond.
3. I have perused the probation officer's report dated 14/11/2021. I note from the report that the investigating agency, local administration and the community are not opposed to the accused being released on bond. I also note from the report that the accused and his wife are HIV positive and have been on medication for 15 years. From the report, he complained of not getting medication in prison and his health is deteriorating.
4. I also note that the accused's family have committed to support him in ensuring that he attends court when required. His brother is willing to deposit title deed in court as security.
5. I also note that the victim's family are opposed to accused being released on bond under any terms. There is no doubt that the victim's family are pained by the loss/death of their kin. Every accused person is however entitled/has a right to be released on bond unless there are compelling reasons to deny bond. No compelling reasons have been advanced to warrant accused being denied bond.
6. From the foregoing, I do allow the application for bond and proceed to order that accused may be released on bond of Kshs.1m with one surety of a similar amount.

RULING DATED AND DELIVERED AT KIAMBU THIS 26TH DAY OF JANUARY, 2022.

RACHEL NGETICH

JUDGE

CORAM:

COURT ASSISTANT : KINYUA

FOR DPP :- MS. GACHARIA

FOR ACCUSED :- MS. NDEGWA

ACCUSED : PRESENT

COURT

RULING DELIVERED VIRTUALLY.

RACHEL NGETICH

JUDGE