



REPUBLIC OF KENYA



**Republic v Muturi (Criminal Case E063 of 2021)  
[2022] KEHC 3269 (KLR) (30 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 3269 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CRIMINAL CASE E063 OF 2021  
RB NGETICH, J  
JUNE 30, 2022**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**THOMAS KUNGU MUTURI ..... 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](#). Particulars are that on the November 7, 2021 at Kiandutu slums Thika West Sub-County within Kiambu County murdered Nancy Waithera Njeri.
2. The charge and its full particulars were read over to the accused person on December 14, 2021 in the presence of the defence counsel Mr. Marube. He denied the charge and its particulars and plea of not guilty was entered. Justice Kasango called for a pre-bail report. The report was filed on May 27, 2022.
3. The defence counsel Mr. Marube applied for the release of the accused person on bond.
4. The state counsel Mr. Gacharia opposed the bail application and filed an affidavit sworn on June 7, 2022. It was deponed that the accused is likely to interfere with witnesses if released on bond; the prosecution's key witnesses being the child of the accused person and a close neighbour of the accused. According to the Investigating Officer, it is appropriate to take the testimony of the witnesses before the accused is released on bond.
5. In a rejoinder, on June 9, 2022, the accused through his counsel Mr. Marube states the accused is not a flight risk and he is not likely to interfere with the prosecution witnesses.
6. I have perused the pre-bail report. The family of the accused is willing to support the accused if released on bond. The local administration have not interacted with the accused and did not comment on his



conduct. The victim's family is opposed to the accused being granted bail for fear of interfering with witnesses.

7. From the record, I note the key witness is the child of the deceased who knew the accused as the father. I have no doubt the accused will most likely instill fear in the child and other key witnesses who are close relatives of the deceased.
8. There is no doubt that every accused person is entitled to bond pending trial as provided by Article 49 of *the Constitution*. The right to bond can however be curtailed if there are compelling reasons.
9. From the foregoing, the fact that one of the key witnesses is accused's child, there are high chances accused being out may instill fear in the child and he may fear to testify or his evidence may be interfered with. For that reason I am of the view that it will not be safe/appropriate to release accused on bond at this stage.

**FINAL ORDERS:-**

10.

1. Application for bond is hereby dismissed.
2. Accused may renew his bond application at a later stage.

**RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KIAMBU**

**THIS 30TH DAY OF JUNE, 2022.**

.....

**RACHEL NGETICH**

**JUDGE**

**In the Presence of:**

**Kinyua – Court Assistant**

**No appearance for Accused**

**Accused – Present**

