



**Republic v Wanyama (Criminal Case E058 of 2021)
[2022] KEHC 10234 (KLR) (30 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 10234 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E058 OF 2021
RB NGETICH, J
JUNE 30, 2022**

BETWEEN

REPUBLIC PROSECUTION

AND

GODWIN WANYAMA ACCUSED

RULING

1. The accused herein Godwin Wanyama was charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code.
2. Particulars are that on the 16th day of October, 2021 at Kamuguga location in Kabete sub-county within Kiambu county he murdered one Evans Atuya Nyambworo.
3. The substance of the charge and the particulars were read over to the accused on November 8, 2011. The accused denied the charge and a plea of not guilty was entered. The defence counsel Mr Kioko applied to have the accused released on bond and be supplied with the prosecution bundle.
4. The state counsel Mr Gacharia indicated that he is not opposed to the accused being granted bail.
5. The court called for a prebail report which was filed on December 7, 2021. From the report, the local administration who is the area chief states he knows the accused parents but has never interacted with the accused. The community describes the accused as a very peaceful, responsible and hardworking person. The victim's family oppose the accused person being granted bail.
6. The brother of the deceased indicates he will not trust the trial process if the accused is released on bond. The accused family is supportive and they are willing to support the accused attend the trial. The accused father is willing to deposit the title in court as security.
7. Article 49(1)(h) of the Constitution provides that: -



An accused person has the right ...

(h) to be released on bond or bail, on reasonable conditions pending a charge or trial, unless there are compelling reasons not to be released.

8. From the above constitutional provision, every accused person is entitled to bail pending trial unless there are compelling reasons not to grant bail. No compelling reasons to deny the accused person bond. The application for the bond pending trial is allowed.

9. Final orders:-

1 The accused person may be released on a bond of Kshs 500,000/= with a surety of a similar amount.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KIAMBU THIS 30TH DAY OF JUNE, 2022.

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RACHEL NGETICH

JUDGE

In the Presence of:

Kinyua – Court Assistant

Mr. Kelwon – For State

Ms. Wekesa for Accused

Accused - Present

