



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Nyaboke (Criminal Case E009 of 2022)
[2022] KEHC 12235 (KLR) (29 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 12235 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E009 OF 2022
MM KASANGO, J
JUNE 29, 2022**

BETWEEN

REPUBLIC PROSECUTOR

AND

MAUREEN NYABOKE ACCUSED

RULING

1. Maureen Nyaboke was charged before this court with the offence of murder. She pleaded not guilty.
2. Accused has approached this court with an application dated April 7, 2022 seeking that she be released on reasonable bond/bail terms pending the hearing and determination of her case.
3. The application is premised on the grounds that the accused is innocent until proven guilty; she has spent time in custody; that she has family members who depend on her; and that she has a place of abode in Kangemi, Nairobi County.
4. The Director of Public Prosecutions, Prosecution Counsel Mr Stephen Kasyoka did not oppose bail on condition that the accused does relocate from Kiambu County and she does provide a letter from her local chief which letter will confirm she is known to the said chief.
5. I have considered the application and the affidavit in support of that application. The Constitution requires under article 50(2)(a) for every accused person to be presumed as innocent until contrary to prove. The Constitution, under article 49(1)(h) protects an arrested/accused person's right to bail. That right however is not absolute. Article 49(1)(h) provides:-

“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.”



6. It follows that the cardinal rule of bail is that an arrested person or an accused person should be released to pre-trial detention unless there are compelling reasons not to be released.
7. No compelling reasons were brought to the attention of the court and accordingly, this court shall accede to the application.

Disposition

8. I order Maureen Nyaboke to be released on her own bond of Kshs 250,000 and one surety of similar amounts. Maureen Nyaboke shall not reside within Kiambu County while her trial is pending. Before her release, Maureen Nyaboke shall provide to the Deputy Registrar of this court a letter of her local chief which letter will confirm she is known by that chief.

RULING DATED AND DELIVERED AT KIAMBU THIS 29TH DAY OF JUNE, 2022.

MARY KASANGO

JUDGE

Coram:

Court Assistant : Mourice

Accused : Maureen Nyaboke : - Absent

For accused : - Mr Farah

For DPP : Mr Kasyoka

RULING DELIVERED VIRTUALLY.

MARY KASANGO

JUDGE

