



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Republic v Mutua & 3 others (Criminal Case 5 of 2020)
[2022] KEHC 15309 (KLR) (26 July 2022) (Ruling)**

Neutral citation: [2022] KEHC 15309 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
CRIMINAL CASE 5 OF 2020
SN MUTUKU, J
JULY 26, 2022**

BETWEEN

REPUBLIC PROSECUTOR

AND

VINCENT NTHENGE MUTUA 1ST ACCUSED

BENSON MUNYAO MUSYOKA 2ND ACCUSED

ELIZABETH MUTHEMBWA MUTINDA 3RD ACCUSED

EDWARD LESHAN MASHUA 4TH ACCUSED

RULING

1. The four accused persons are charged with murder. The victim is Albert Muteti Muthoka. The offence is alleged to have been committed on February 3, 2020 at Mashuru Town within Kajiado County.
2. The 1st, 2nd and 3rd accused persons were initially charged in Criminal Case No. 5 of 2020 while the 4th accused was charged in Criminal Case No. 7 of 2020. Both files were consolidated into one file, Criminal Case No. 5 of 2020. In both files, each accused was admitted to bail/bond in the sum of Kshs. 500,000 with one surety of the same amount.
3. Upon consolidation of the two files, counsel for the accused persons sought review of the bond terms. But the prosecution counsel sought to maintain the bond terms already granted. This court called for reports from the probation office.
4. The four reports have been filed. The recommendations in respect of the 1st accused and the 2nd accused are that the bond terms granted by the court (Mwita, J) be upheld. The recommendations in respect of 3rd and 4th accused persons are that this court considers a review of the bond terms.



5. I have considered this matter. Bond is a constitutional right that can be denied if there are compelling reasons. This court (Mwita, J) saw it fit to grant each of the accused persons similar bond terms. They are facing a similar charge. They are yet to be tried to prove their guilt or otherwise. I have no reason to consider different bond terms for each. In my considered view, all of the accused persons ought to enjoy similar bond terms.
6. In my considered view, bond of Kshs 500,000 with one surety is a fair term. However, to mitigate the social and economic circumstances of each accused, I will and do hereby relax those terms in allowing each accused person to provide two sureties of Kshs 250,000 each to make a total of Kshs 500,000.
7. For avoidance of doubt, the bond terms granted by this court are reviewed to the effect that each accused person shall be released on bond of Kshs 500,000 with two sureties of Kshs 250,000.
8. Orders shall issue accordingly.

DATED, SIGNED AND DELIVERED THIS 26TH JULY 2022.

S. N. MUTUKU

JUDGE

