



**Republic v Wangui (Criminal Case E40 of 2019)
[2022] KEHC 15694 (KLR) (17 November 2022) (Ruling)**

Neutral citation: [2022] KEHC 15694 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E40 OF 2019
RB NGETICH, J
NOVEMBER 17, 2022**

BETWEEN

REPUBLIC PROSECUTION

AND

MARGARET WANJIRU WANGUI ACCUSED

RULING

1. The accused Margaret Wanjiru Wangui was charged with two counts of the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#) as set out hereunder:-
Count 1
Margaret Wanjiru Wangui on the September 24, 2019, at about 0300hrs at Ruturo area in Kiambu East Sub-County within Kiambu County, murdered Abigael Njeri.
Count 2
Margaret Wanjiru Wangui on the September 24, 2019, at about 0300hrs at Ruturo area in Kiambu East Sub-County within Kiambu County, murdered Flavia Wairimu.
2. The charges were read over and particulars explained to the accused on July 20, 2022. She pleaded not guilty; plea of not guilty was entered. Ms Mbuvi counsel for the accused applied to have the accused released on reasonable bail terms.
3. The state counsel Mr Gacharia did not oppose accused being released on bond but urged the court to call for a pre-bail report. Prebail report was filed on October 4, 2022.
4. The prebail report states that the accused family is willing to provide security for the accused person. It further points out that the accused has a mental challenge and the family wishes to have the accused continue with the medication. The family states that the mental challenge will not interfere with the



accused attendance in court and they will ensure the accused adheres to the bail terms. The probation officer was not able to locate the accused's husband.

5. From the report, the accused person murdered her children; she has been suffering from a mental illness and her family says she is on medication and the situation is being managed.
6. Article 49(1)(h) of the Constitution 2010, gives every accused person a right to be released on reasonable bail terms unless there are compelling reasons. No compelling reasons have been raised to deny the accused bond. There is therefore no reason to deny accused bond; I therefore allow the application for bond.

7. Final orders:-

8. The accused 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 17TH DAY OF NOVEMBER, 2022.

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RACHEL NGETICH

JUDGE

In the Presence of:

Kinyua/Martin – Court Assistant

Accused - Present

Mr Kasyoka for State

