



**Republic v Waweru (Criminal Case E023 of 2022)
[2022] KEHC 15693 (KLR) (17 November 2022) (Ruling)**

Neutral citation: [2022] KEHC 15693 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E023 OF 2022
RB NGETICH, J
NOVEMBER 17, 2022**

BETWEEN

REPUBLIC PROSECUTION

AND

JANE GATHONI WAWERU ACCUSED

RULING

1. The accused is charged with the offence of Murder Contrary to Section 203 as read together with Section 204 of the *Penal Code*. The particulars are that on the night of 24th June 2022, at Gathiga Sub-Location, Kabete Sub-county within Kiambu County Murdered one Brian Kuria Ngaruiya.
2. The charge and its full particulars were read and explained to the accused on 20th July 2022. He pleaded not guilty and a plea of not guilty was entered.
3. The state counsel Mr. Gacharia informed the court that the state was not opposed to bond but urged the court to call for a pre-bail report.
4. The probation officer filed pre-bail report on 3rd October 2022. The report indicates that Local Administration in Gathiga describe the accused as a good person who relates well with people within the community and are not opposed to the accused being released on bond.
5. The accused's family is willing to support the accused to ensure that he attends court for trial; they are willing to deposit a title deed to the court as security. The victim's family is not opposed to the accused being granted bail. The mother of the victim stated that she relates well with the accused and urged the court to release the accused on reasonable bail terms so that she could reunite with her children. She stated that she has forgiven the accused whom she treats like her daughter. The family of the victim wishes the accused to be granted bail so that she can reunite with her children.



6. The right to bail provided under Article 49(h) of *the Constitution* can only be curtailed if there are compelling circumstances given to the court by the prosecution. From the foregoing, there are no compelling reasons to deny accused bond.

7. Final Order: -

The accused may be released on a bond of Kshs. 500,000/= with one 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

Mr. Kasyoka for State

Accused – Present

