



REPUBLIC OF KENYA



KENYA LAW
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**Republic v EK (Criminal Case E010 of 2022)
[2022] KEHC 17263 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 17263 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
CRIMINAL CASE E010 OF 2022
SN MUTUKU, J
DECEMBER 20, 2022**

BETWEEN

REPUBLIC PROSECUTOR

AND

EK SUBJECT

RULING

1. The Subject, aged 15 years or under 18 years as the age assessment report shows, faces a charge of murder contrary to section 203 as read with section 204 of the *Penal Code*. The particulars read that on the day of May 5, 2022, at {Particulars withheld} area in Namanga Sub-County within Kajiado County murdered SKN.
2. He pleaded not guilty to the charge.
3. After the plea was taken, Ms Njari moved this court to consider admitted the Subject to bail/bond pending the hearing and determination of this matter. The prosecution did not oppose bail. This court called for a pre-bail report which has been filed.
4. I have read the report. It confirms that the Subject is a Tanzanian National and a school drop-out. His family is supportive that they will ensure that the Subject attends court until this matter is heard and fully determined. They are also willing to offer cash bail given that they are Tanzanian Nationals.
5. Bail/bond is constitutional right that can be denied where compelling reasons exist. The prosecution is not opposed to the application for bail and I find that there are no compelling reasons advanced. I am alive that the Subject is a foreigner and therefore I exercise caution to ensure that the paramount consideration of the Subject attending court when required to do so is achieved.
6. I have no reason to decline this application. I therefore allow the application and admit the Subject to bail pending the hearing and determination of this case. I grant the following orders:



- i. The Subject shall execute a bond of Kenya Shillings One Million (Kshs 1,000,000) with two Kenyan sureties of Kenya Shillings Five Hundred Thousand each.
- ii. In the alternative the Subject can deposit, through his relatives, Kenya Shillings Seven Hundred Thousand (Kshs 700,000) as cash bail.
- iii. The Subject is cautioned to attend court at all times he is required to do so until this case is heard and determined.

7. It is so ordered.

Dated, signed and delivered this 20th December, 2022.

S. N. MUTUKU

JUDGE

1| Ruling in Kajiado Criminal Case No. e010 of 2011

