



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KIAMBU**

**CRIMINAL CASE NO. 47 OF 2020**

**REPUBLIC.....PROSECUTOR**

**VS**

**JOYCE WANJIKU MUIRURI.....ACCUSED**

**RULING**

1. **JOYCE WANJIKU MUIRURI** pleaded not guilty to the charge of murder contrary to **Section 203** as read with **Section 204** of the Penal Code. She has applied that she be released on bail pending the conclusion of her trial.
2. The probation, pre-bail report revealed that the accused is 32 years old she has a 5-year-old daughter. She is not married. She has no previous criminal conviction and she pleads that the court does grant her favourable terms of bond/bail.
3. The application for bail was not opposed by prosecution.
4. **Article 49(1)(h)** of the Constitution provides that an arrested person has the right to be released on bond or bail on reasonable condition. Bearing in mind that constitutional provision I need to also consider that the accused is facing a very serious charge, that of murder and the consequences of being found guilty, after trial, are serious. The fact that the offence one faces is of serious nature was considered in the case of **REPUBLIC V. ROBERT ZIPPOR NZILU (2018) eKLR** thus: -

***“Gravity of the offence as a consideration was appreciated by Mbogholi Msagha, J in Criminal Application No. 319 of 2002 PRISCILLA JEMUTAI KOLONGE VS. REPUBLIC (unreported) at page 3, wherein he held as follows:-***

***“However, the nature of the charge or offence and the seriousness of the punishment if the applicant is found guilty must be considered in applications of this nature. I subscribe to the observation that where the charge against the accused is more serious and punishment heavy, there are more probabilities and incentive to abscond, whereas in case of minor offences, there may be no such incentive.”***

5. With the above observation in mind I grant the following orders:-

(a) The accused shall be released pending the conclusion of her trial on her own bond of Kshs.500,000/= and with two sureties of Kshs.1million (one million) each.

**RULING DATED, SIGNED AND DELIVERED THIS 22ND DAY OF APRIL, 2021.**

**MARY KASANGO**

**JUDGE**

Coram:

C/A

Accused: .....

For the Accused: .....

For the DPP: .....

**COURT**

Ruling delivered virtually.

**MARY KASANGO**

**JUDGE**