

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO. 19 OF 2016

REPUBLIC.....PROSECUTOR

VERSUS

JOSEPH NJOGU MWANGLI.....ACCUSED

RULING

1. The accused prays for *bail* pending trial. The application is contained in the notice of motion dated 28th February 2018.
2. The motion is *not* contested by the Republic.
3. The accused is charged for the *murder* of Edward Muriithi Mburia on 1st September 2016 at Mukuyu Market within Murang'a County. He has been in custody since 14th September 2016. Due to a myriad of reasons, his trial has not commenced.
4. The accused is deemed innocent at this juncture. Under **Articles 49 (1) (h)** and **50** of the **Constitution**, he has a right to bail *unless* there are *compelling* circumstances.
5. Furthermore, the overarching objective of bail is to ensure the accused *attends* his trial. ***Muraguri v Republic*** [1989] KLR 181.
6. I find that there are no compelling grounds for denial of bail. The accused may be released upon execution of a bond in the sum of Kshs 300,000 together with *one* surety of a similar amount. The surety shall be examined and approved by the Deputy Registrar of this Court.
7. I attach two conditions for his release: Firstly, he shall not have any contact with witnesses. Secondly, he must attend all mentions or hearings of this case. In default of any of those conditions, his bond shall stand cancelled; and, the surety shall be called to account.

It is so ordered.

DATED, SIGNED and DELIVERED at MURANG'A this 29th day of July 2021.

KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of:-

The accused.

Mr. J. Kagwi for the accused.

Mr. S. Mutinda for the Republic.

Ms. Dorcas Waichuhi & Ms. Susan Waiganjo, Court Assistants.