



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO. E011 OF 2021

REPUBLIC.....PROSECUTOR

VERSUS

ELIZABETH WANJIKU WANJA.....1ST ACCUSED

PATRICK MUTURI WANJA.....2ND ACCUSED

ELIJA GICHOHI WANJIKU.....3RD ACCUSED

RULING

1. The three accused persons pray for bail pending trial.
2. The application is opposed by the Director of Public Prosecutions on the basis of three pre-bail reports filed on 30th September 2021.
3. The overarching objective of bail is to ensure the accused *attends* trial. See *Muraguri v Republic* [1989] KLR 181, *Republic v Elias Kipkemoi*, Eldoret High Court Criminal Case 42 of 2014 (unreported).
4. Under **Article 49 (1) (h)** of the **Constitution**, the accused persons are entitled to bail unless there are compelling circumstances.
5. Other relevant matters to be considered by the court include: The nature of the charge; the likely sentence; previous criminal records; the views of the family of the victim; the possibility of interference with witnesses; the temptation to abscond; and, the safety of the accused.
6. The **Victims Protection Act 2014** also requires that the views of victim's family be considered at this stage.
7. The accused are charged with *murder*. The Director of Public Prosecutions informs the High Court that on the night of 27th and 28th April 2021 at Gitugi Location, Mathioya Sub-County within Murang'a County, they murdered *Michael Kamau Mire*.
8. I have closely studied each of the pre-bail reports. In respect of the 1st accused, I am satisfied that her *safety* would be in jeopardy. The deceased was a close family member of all the accused. There is palpable anger at the *locus in quo*; and, there is potential for acts of revenge. For the same reasons, the security of the 2nd and 3rd accused persons cannot also be guaranteed. In addition, the victim's family and the area chief are strongly opposed to their release.
9. In the end, I find that there are *compelling* reasons for denial of bail. Bail is accordingly *denied*.

It is so ordered.

DATED, SIGNED AND DELIVERED AT MURANG'A THIS 26TH DAY OF OCTOBER 2021.

KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of:-

The 1st, 2nd and 3rd accused.

Ms. Waititu holding brief for Ms. Boore for all the accused.

Ms. A. Gakumu for the Republic.

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