



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. E029 OF 2021

BETWEEN

REPUBLIC.....PROSECUTOR

VERSUS

ANN WAITHERA KAMAU.....ACCUSED

RULING

1. ANN WAITHERA KAMAU has applied to be released on bond/bail pending his trial for the offence of murder.
2. The accused is a 27 year old. She is the second born of 4 siblings. Their mother brought them up as a single mother. Accused is a mother of a daughter who is cared for by her mother, the child's grandmother.
3. The accused's application for bail was not opposed by the State. The State however requested that the terms of bail be strict.
4. An accused has a right to be released on bond or bail on reasonable conditions pending trial unless compelling reasons exists why bond or bail should not be granted. See **Article 49(1)(h)** of the Constitution.
5. The primary consideration of granting bond/bail is whether the accused will attend his/her trial. In that consideration, the court should also bear in mind the charge or offence the accused faces: see the case **PRISCILLA JEMUTAI KILONGEI VS. REPUBLIC (2002) eKLR** 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.”

6. The determination of this Court of the accused's application is as follows:-
 - a. Ann Waithera Kamau is granted bond of Kshs.800,000/- with one surety of similar amounts.
 - b. Ann Waithera Kamau shall not interfere with the prosecution's witnesses.
 - c. At the reading of this ruling, a hearing date shall be fixed for this case.

RULING DATED AND DELIVERED AT KIAMBU THIS 16TH DAY OF DECEMBER, 2021

MARY KASANGO

JUDGE

Coram:

Court Assistant : Maurice

For DPP :- **Kathambi/Kasyoka Present**

For Accused :- Mr. James Mururi

Accused **ANN WAITHERA KAMAU Present**

COURT

RULING delivered virtually.

MARY KASANGO

JUDGE