



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MURANG'A**

**CRIMINAL CASE NO. 19 OF 2019**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**BRENDA WANJIRU MUKAYA .....1<sup>ST</sup> ACCUSED**

**ALLAN MUCHANGI MUNUHE.....2<sup>ND</sup> ACCUSED**

**MAUREEN WAMBUI IRUNGU.....3<sup>RD</sup> ACCUSED**

**JOSEPH WERU WAIRIMU.....4<sup>TH</sup> ACCUSED**

**PETER KAIRIE NJAU.....5<sup>TH</sup> ACCUSED**

**RULING NO. 2**

1. These are *further orders* on the suitability of bail for all the accused. On 13<sup>th</sup> September 2019, the Court, (*Ngenye-Macharia J*), granted conditional release and “*subject to review or cancellation once the pre-bail report is filed*”.

2. The learned judge observed as follows at paragraphs 10 and 11 of her ruling:

*[10] Finally, the circumstances of the case are not so gravely [sic] to warrant the vehement denial of, or opposition to bail. I have flipped through the witness statements. The deceased met her death in very unfortunate circumstances. She accompanied friends amongst them the accused persons to drinking beige after a graduation ceremony. She fell sick at night and died later in a hospital. As the course [sic] of death and by whom [sic] is a matter for determination by the court. All the same, it is clear that it is a case that does not warrant the continued holding in custody of the accused persons.*

*[11] In the end, I rule that there are no good grounds on which the accused persons should continue to remain in remand. As the court awaits the filing of a pre-bail report, I release each one of them on a bond of Kshs.500,000/- with one surety of a similar amount. The 1<sup>st</sup> and 3<sup>rd</sup> accused must not set foot in their village. The bond is subject to review or cancellation once the pre-bail report is filed.*

3. Separate *pre-bail reports* in respect of *each* of the accused were subsequently filed on 19<sup>th</sup> November 2019. They are generally favourable to all the accused save that the family of the deceased is in anguish and still healing. The reports state that the family would have preferred more stringent bond terms.

4. Granted those circumstances, I see no reason to review the order of *Ngenye-Macharia J* of 13<sup>th</sup> September 2020. The terms of bail shall accordingly remain as particularized in paragraph 11 of her ruling.

It is so ordered.

**DATED, SIGNED and DELIVERED at MURANG'A this 27<sup>th</sup> day of February 2020.**

**KANYI KIMONDO**

**JUDGE**

**Ruling read in open court in the presence of-**

1<sup>st</sup> and 2<sup>nd</sup> accused persons.

Mr. J. Mbuthia holding brief for Ms. Kimani for the 1<sup>st</sup> and 3<sup>rd</sup> accused.

Mr. J. Kimani for the 2<sup>nd</sup> and 4<sup>th</sup> accused.

No appearance by counsel for the 5<sup>th</sup> accused.

Ms. R. Gichuru for the Republic.

Ms. Dorcas & Ms. Susan, Court Assistants.