



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO. 18 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

ISAAC WAWERU KARANJA.....ACCUSED

RULING

1. The accused prays for bail pending trial.
2. His learned counsel, *Ms. Mwangi*, submitted that the accused is presumed innocent. She argued that bail will afford the accused sufficient time and facilities to prepare for the case. She was of the view that there are *no* compelling reasons for denial of bail.
3. The Director of Public Prosecutions opposed the application.
4. 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).
5. It is a truism that the accused is presumed *innocent*. Under **Article 49 (1) (h)** of the **Constitution**, an accused person is entitled to bail *unless* there are *compelling* circumstances.
6. 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.
7. The **Victims Protection Act 2014** now requires that the views of victim's family be considered at this stage.
8. The accused faces the grave charge of *murder*. The Director of Public Prosecutions informs the High Court that on 7th August 2019 at Kimandi Wanyaga Sub-Location, Ndakaini Location, Gatanga Sub-County within Murang'a County he murdered *Elizabeth Nyambura Chege*.
9. The deceased was a sister in law of the accused. The deceased's husband (who is a brother of the accused) is nursing injuries which he claims were inflicted by the accused. He strenuously opposed the release of the accused.
10. The *pre-bail report* dated 15th November 2019 is also unfavourable to the accused. The report indicates that there is palpable *anger* at the *locus in quo*; and, that the *safety* of the accused *cannot* be guaranteed. Persons who were baying for his blood demolished his house.
11. All those are *compelling* reasons for denial of bail. The upshot is that bail is *refused*.

It is so ordered.

DATED, SIGNED AND DELIVERED AT MURANG'A THIS 25TH DAY OF FEBRUARY 2020.

KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of:-

The accused.

Ms. Gichuru for the Republic.

Ms. Dorcas, Court Assistant.