



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MURANG'A

CRIMINAL CASE NO. 10 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

ANTHONY MBURU NGUGI.....ACCUSED

RULING

1. The accused prays for bail pending trial.
2. His learned counsel, *Mr. Waweru*, submitted that the pre-bail report is favourable. He also said that the accused will relocate from the *locus in quo*.
3. The Director of Public Prosecutions opposes the application.
4. The accused faces the grave charge of *murder*. The Director of Public Prosecutions informs the High Court that on the 9th June 2019 at Methi Village, Murang'a South Sub-County within Murang'a County he murdered *Serah Wambui Mburu*.
5. He is presumed *innocent* at the present juncture. Under **Article 49 (1) (h)** of the **Constitution**, he is entitled to bail *unless* there be *compelling* circumstances. The overarching objective of bail is to ensure the accused *attends* trial. See ***Muraguri v Republic*** [1989] KLR 181.
6. I find that the accused is undeserving of bail for three reasons. Firstly, the pre-bail report dated 17th September 2019, indicates that the accused attempted to escape from the scene. He was pulled out of a *matatu* by irate *boda boda* riders at a place known as Kabati. He was rescued from lynching by the police. He is separated "*from six wives*". I have thus concluded that he is a flight risk. Secondly, the local administration is opposed to his release as his safety cannot be guaranteed. Thirdly, the family of the victim is angst about the homicide and strenuously opposes his release.
7. I thus find that there are strong and *compelling* reasons for denial of bail. Bail is refused.

It is so ordered.

DATED, SIGNED and DELIVERED at MURANG'A this 26th day of March 2020.

KANYI KIMONDO

JUDGE

Ruling read in chambers in the presence of-

Accused absent in line with NCAJ's Covid-19 pandemic guidelines of 15/3/2020.

No appearance by counsel for the accused.

No appearance by counsel for the Republic.

Ms. Dorcas, Court Assistant.