



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**CRIMINAL CASE NO.1 OF 2020**

**R VS SIMON MUGO KINYANJUI**

**BAIL RULING**

19-year-old Simon Mugo Kinyanjui is charged with murder c/s 203 as read with 204 of the Penal Code. It is alleged that on the 21<sup>st</sup> day of December 2019 at Kisima Stage Njoro sub county within Nakuru County jointly with another not before court murdered Boniface Kimathi Mugwe.

His application for bond was not opposed by the state.

A pre bail report filed on 21<sup>st</sup> February 2020 revealed that the accused faced the threat of mob injustice if released as the ground was still hostile against him. His home and that of the victim were said to be close by and no one could vouch for his safety upon release.

It was proposed that, for his own safety, he could be relocated to a different area pending the hearing and determination of the case.

The court directed the probation officer to address the issue of the proposed relocation in some detail as it was in the interest of the accused to be safe and at the same time, to be able to appear in court for his trial. Then Covid 19 struck and there was a bit of delay.

The report was finally filed on 12<sup>th</sup> October 2020.

It is evident from that report that there is no guarantee as to the safety of the accused, or his attending court should he be released on bond. That is what the probation officer is saying. Yet, in the report his mother and aunt are willing to stand surety, and another aunt, to host him in her home which is 10km away from the scene of the crime.

In the circumstances of his case, I direct as follows:

1. That bond is set at Ksh 200,000 with two sureties each of Ksh 100,000.
2. The sureties be approved by the Deputy Registrar.
3. Upon release the accused on bond, and pending the hearing and determination of this case, the accused to stay away from his home area, and in this case, anywhere near Kisima Stage.

**Given at Nakuru this 30<sup>th</sup> October 2020.**

**Mumbua T Matheka**

**Judge**