

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL CASE NO. E030 OF 2020

NICHOLUS MWENDA MUTUKU.....APPLICANT

VERSUS

DIRECTOR OF PUBLIC PROSECUTIONS...RESPONDENT

RULING

This matter now comes up for the oral application made by the applicant for bail. He faces a charge of murder contrary to section 203 as read with section 204 of the Penal code. The prosecution side has not opposed the application for release of the accused on bond.

I have considered the nature of the charge herein, the pre-bail report filed herein and also the fact that the prosecution is not objecting to this application. Bail is a constitutional right of an accused person to be denied only where the prosecution has proved the existence of a compelling reason. None has been shown herein.

I accordingly allow the oral application of the applicant and order that the applicant Nicholas Mwendwa Mutuku may be released on a bond of Ksh.1 million with 1 surety of a similar amount. He is ordered never to interfere with or contact any prosecution witness herein till the case is determined. Lastly, upon being released, he is ordered to attend court at all times as shall be ordered by the court from time to time till this case is determined.

HON. JUSTICE D. OGEMBO OGOLA

27TH OCTOBER 2020

Court:

Ruling read out in open court (on-line) in presence of Mr. Odawa for the accused, the accused and Mr. Chebii for the state.

HON. JUSTICE D. OGEMBO OGOLA

27TH OCTOBER 2020

Court:

Hearing date to be fixed. Hearing 20th/21st January 2021.

HON. JUSTICE D. OGEMBO OGOLA

27TH OCTOBER 2020