



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KIAMBU**

**CRIMINAL CASE NO 28 OF 2020**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**PATRICK KAMAU NG'ANG'A.....1<sup>ST</sup> ACCUSED**

**MARTIN KAMANDE NYOIKE.....2<sup>ND</sup> ACCUSED**

**RULING**

1. **Patrick Kamau Ng'ang'a** (1<sup>st</sup> Accused) and **Martin Kamande Nyoike** (2<sup>nd</sup> Accused) had their bail application declined by this court's Ruling dated 17<sup>th</sup> November 2020. Both Accused are awaiting their trial for the charge of Murder to commence. We are presently going through the Covid-19 pandemic and consequently live trials are not proceeding before court.

2. Both Accused by their Notice of Motion application dated 19<sup>th</sup> November 2020 seek review of the Ruling of this court of 17<sup>th</sup> November 2020. They seek review on the grounds that their families have vacated their residence from Zimmerman area, where the prosecution's witnesses reside; and on that the pre-bail report is favourable to their release on bail pending trial.

3. The state does not oppose the application for review. On behalf of the state Mr. Kasyoka stated that he had consulted the investigating officer (I.O) Elpus Ngetich, based at Directorate of Criminal Investigation Kasarani who stated that the Accuseds' application for bail was not opposed because the Accused had undertaken to move their residence from where the prosecution's witnesses reside. The Investigating Officer also stated that the families of the victim and the Accused are discussing the matter with a view to reach a reconciliation.

4. Having considered the parties' submissions and because Article 49(1) (h) of the Constitution affords the Accused the right to be released on bond/bail unless there are compelling reason not to be released and because it has been shown that there does not exist compelling reasons to deny the Accused bail, I grant the following Orders:

*(a) The Ruling of this court dated 17<sup>th</sup> November 2020 is hereby reviewed and set aside.*

*(b) Both Accused are hereby released pending their trial on bond of KSh. 500,000 each with two sureties of similar amounts.*

*(c) Both Accused shall not interfere with the prosecution's witnesses and will, during the subsistence of their trial reside outside the Kasarani area.*

5. Orders Accordingly.

**SIGNED AT KIAMBU AND DELIVERED VIRTUALLY THIS 18<sup>TH</sup> DAY OF DECEMBER 2020.**

**MARY KASANGO**

**JUDGE**

18<sup>th</sup> December 2020

Before Justice Mary Kasango

C/A - Kevin

1<sup>st</sup> Accused **Patrick Kamau Ng'ang'a** – Present

2<sup>nd</sup> Accused **Martin Kamande Nyoike** - Present

For Accused – Mr. Njehu

For the state – Mr. Kasyoka

**COURT**

Ruling virtually delivered in their presence.

**MARY KASANGO**

**JUDGE**