

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAHURURU

HIGH COURT CRIMINAL CASE NUMBER E004 OF 2020

REPUBLIC.....PROSECUTOR

VERSUS

SELINA WAMBUI WANGUI.....ACCUSED

RULING

The accused is charged with the offence of **Murder contrary to section 203 as read with section 204 of the Penal Code Cap 63 Laws of Kenya.**

She pleaded not guilty. The accused's advocate sought the accused to be released on bond/bail pending the hearing and determination of the instant murder case.

The application is based on the ground that the accused is a mother of a baby of 2 years of age and she will abide by all conditions which court may impose. She has an aunt who is able, ready and willing to host her in Kericho. The aunt has sworn an Affidavit to that effect.

The Republic objection to bail is contained in investigating officer affidavit sworn by **Philip Ochieng IP** on 18/11/2020.

The element and compelling reasons to deny bond/bail is alleged to be borne by the fact that the accused and deceased were in a relationship, thus accused is capable of interfering with the witness who reside in.

Deceased plot where 2 used to live.

Also it is deponed to that the ground maybe hostile and if accused is released she will be in danger.

Under Article 49(1) (h) arrested person has right to be released on bond/bail on reasonable conditions pending hearing or trial, unless there are compelling reasons not to be released.

After looking at both rivaling submissions and averments, I find that the apprehension of the prosecution can be addressed by ascertaining the suitability of the Aunt **Rosemary Nyambura Kinuthia** to host accused in Kericho and barring the accused from going to the deceased person plot or interfering with the witnesses in the case.

Thus the court is inclined to grant applicant/accused bond of Kshs.100,000 with one surety of equal amount with option of cash bail of ksh.70,000/=

Dated, Signed and Delivered at NYAHURURU this 17th Day of December, 2020

.....

CHARLES KARIUKI

JUDGE

PRESENT

.....