



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO. 1 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

ANTHONY KIMANI WAWERU.....1ST ACCUSED

JANE WANJIRU MANYEKI.....2ND ACCUSED

CATHERINE WANGECHI KARANJA.....3RD ACCUSED

JAMES MWANGI MUNGAI.....4TH ACCUSED

RULING

1. The accused persons pray for bail pending trial. The Republic does not contest the matter.
2. There are four separate *pre-bail reports* on each of the applicants filed by *Mr. P. Irungu*, the Sub-County Probation Officer, Kandara. They are without exception *favourable* to the accused persons.
3. The accused are charged with the *murder of Paul Mugo Nyoro*. However, they are deemed *innocent*. **Article 49 (1) (h)** of the **Constitution**, they are entitled to bail unless there be *compelling reasons*.
4. The overarching objective of bail is to ensure the accused *attend* their trial. ***Muraguri v Republic*** [1989] KLR 181. Relevant matters to be considered include the nature of the charge; the likely sentence; previous criminal records, the views of the family of the victim, the possibility of interference with witnesses; the temptation to abscond; and, the safety of the accused.
5. The ***Victims Protection Act 2014*** requires the views of victim's family to be taken into account at this stage. They expressed their apprehensions about the release of the suspects on bail. There is understandable bitterness and angst for loss of their relative.
6. There being no compelling reasons for denial of bail, I will admit the accused to bail. However, the *circumstances* of the alleged offence demand *stringent conditions* to ensure that they do *not* interfere with *witnesses*; that they do not lose sight of the *gravity* of the *charge*; and, more importantly, that they *attend* their trial.
7. Each of the accused shall be released upon execution of a bond in the sum of *Kshs 1,000,000* together with *one* surety of a similar amount. The sureties shall be *examined* and approved by the Deputy Registrar of this Court.
8. There are two further *conditions*. First, the accused shall *not* have any *direct or indirect* contact with the *seven* witnesses named in the *information* charging them with murder. Secondly, the accused shall attend *all* mentions or hearings of their case.
9. In default of *any* of the *two* conditions above, their bonds shall stand cancelled; and, the sureties shall be called to account.

It is so ordered.

DATED, SIGNED and DELIVERED at **ELDORET** this 28th day of May 2019.

KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of-

All the accused.

Mr. Mwaniki Warima holding brief for Mr. Mbiyu for the accused.

Ms. R. Gichuru for the Republic.

Ms Dorcas and Ms Elizabeth, Court Clerks.