

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO 28 OF 2016

REPUBLIC.....PROSECUTOR

VERSUS

MOSES GICHERU NGUGI.....ACCUSED

RULING

1. The Accused herein, **Moses Gicheru Ngugi**, is charged with *murder* contrary to **section 203** as read with **section 204** of the *Penal Code*. It is alleged in the information dated 21/11/2016 that on 26/11/2016 at about 3.30 a.m. at Kamahuha Trading Centre in Murang'a County, he murdered one **Moses Mburu Gitau**.
2. On 25/11/2016 the Accused pleaded not guilty to the charge. His trial is scheduled to commence on 04/12/2018. He has in the meantime applied to be admitted to bail by **notice of motion dated 14/12/2017**. The Republic does not oppose the application.
3. Bail pending trial is now a constitutional right that will be denied only for compelling reason; and any condition that the court might impose for such bail, again by constitutional edict, must be reasonable. See **Article 49(1) (h)** of the *Constitution of Kenya, 2010*.
4. I have read through the witness statements and other documents supplied to the Accused and to the court by the prosecution. I do not find anything in them upon which the Accused may properly be denied bail.
5. In the event I will allow the application. The Accused shall be admitted to bail upon his own bond of KShs 300,000/00 and one surety in like sum. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 19TH DAY OF APRIL 2018

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 20TH DAY OF APRIL 2018