

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL CASE NO. 8 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

RAMADHAN GAKURU NJUGUNA.....1ST ACCUSED

DENNIS MAINA MBUTU.....2ND ACCUSED

RULING

Ramadhan Gakuru Njuguna, 1st accused, and Dennis Maina Mbutu, 2nd accused, are jointly charged with murder contrary to section 203 as read with section 204 of the Penal Code in that on the 10th day of December 2017 at Umoja One Estate, Pewa Street, in Embakasi Sub-County within Nairobi County they jointly murdered Danson Ndungu Waweru. Each accused person has denied this offence.

The two accused persons are seeking to be admitted to bail pending the hearing and determination of this case. The 1st accused filed his application on 14th February 2018 and the 2nd accused filed his application on 12th March 2018. In the respective supporting affidavits, the accused persons described themselves as Kenyan citizens who seek to be admitted to bail basing on the constitutional imperative that all offences including murder are now bailable under the Kenyan law and that they are willing to abide by the terms and conditions of bail this court shall determine.

The application is not opposed by the state on condition that there is filed a pre-bail report for each of the accused persons and that the accused persons are cautioned against interfering with witnesses. There is on record two pre-bail reports filed on 9th April 2018 in respect of the 2nd accused person and on 10th April 2018 in respect of the 1st accused person. I have read both reports and I note that the accused persons' respective family members are willing to stand surety for them.

I have considered the two applications and I hereby grant the same on the following terms and conditions:

- a. Each accused person shall be released on a bond of Kenya Shillings One Million (Kshs 1,000,000) with one surety of similar amount.**
- b. Each accused persons is at liberty to deposit with the Registrar of this court a sum of Kenya Shillings Four Hundred Thousand (Kshs 400,000) as cash bail.**
- c. The accused persons shall attend court without fail until this case is fully heard and determined.**
- d. The accused persons are cautioned against interfering with witnesses or doing anything that may jeopardize the fair trial of this case.**

Orders shall issue accordingly.

Delivered, dated and signed this 11th day of April 2018.

S. N. MUTUKU

JUDGE