



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL DIVISION

HIGH COURT CRIMINAL CASE NO. 13 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

ROSE WANJIRU.....ACCUSED

RULING

1. The Accused was charged with the offence of murder contrary to **Section 203** as read with **Section 204** of the Penal Code. She pleaded not guilty to the charges and by a Notice of Motion dated 7th March 2018 sought to be released on bond pending trial on the grounds that she was a mother of two children, one who was a minor aged four (4) years in need of care and support. It was stated in the affidavit in support that at the time of her arrest she was injured and her health condition had deteriorated while in remand.
2. At the hearing of the application, the state through Ms. Wegulu stated that they did not have objection to the Applicant being released on bond and in compliance with Bond and Bail Policy Guidelines the court ordered for Pre-bail report which was filed in which it was stated that the deceased's brother and other family members were not opposed to the accused being released on bond.
3. Bond is a constitutional right of every accused person under the provisions of **Article 49 (1) (h)** which can only be denied where there are compelling reasons advanced by the prosecution on a balance of probability.
4. In this matter the state has not advanced any compelling reasons to enable the court deny the accused her constitutional right while the Pre-bail report filed herein supports the accused being released on bond. The accused has a fixed abode with social network that will make sure she attends court if and when released on bond.
5. There being no compelling reason to deny the accused her constitutional right to bail and taking whose account the nature of the offence she is facing, I hereby order that the same be released on bond on the following terms:-

- a) Bond of Kenya Shillings five hundred thousand (Kshs.500,000) with two sureties of similar amount or,*
- b) In the alternative a bond of Kenya Shillings one million (Kshs.1,000,000) with one surety of similar amount.*
- c) The accused shall not make any contact of whatever nature with any of the intended prosecution witnesses.*

DATED, SIGNED and DELIVERED at Nairobi this 20th day of June, 2018.

.....

J. WAKIAGA

JUDGE

In the presence of:-

Miss Wegulu for the state

Mr. Kariuki for the accused

Accused present

Court Assistant: Karwitha