

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

CRIMINAL CASE NO 8 OF 2018

REPUBLIC PROSECUTOR

VERSUS

1. CHARLES KIHIA NDIRANGU

2. ISAAC GICHUKI NDIRANGU ACCUSED

RULING ON BAIL

1. The Accused persons, **CHARLES KIHIA NDIRANGU** and **ISAAC GICHUKI NDIRANGU**, are charged with **murder** contrary to **section 203 as read with section 204** of the **Penal Code**. It is alleged in the information dated 09/05/2018 that on 27/04/2018 at Metha Village in Wiyumiririe Location in Laikipia County they jointly murdered one **JOHN NDIRANGU WANJAU**.

2. On 04/07/2018 the Accused pleaded not guilty to the charge. Their trial is scheduled to commence on 15/10/2018. They have in the meantime applied to be admitted to bail. The Republic does not oppose.

3. Bail pending trial is now a constitutional right that will be denied only for compelling reason. Any conditions for such bail, again by constitutional edict, must be reasonable. For all that see **Article 49(1) (h)** of the **Constitution of Kenya, 2010**.

4. I have perused the witness statements and other documents supplied to the Accused persons and to the court by the prosecution. It is apparent that the Accused are brothers. The Deceased in the case was their father. I also note that some of the prosecution witnesses are siblings and uncles/nephews of the Accused, all living in the same area. At least one of those witnesses is a minor.

5. I am mindful of the fact that the Accused are innocent until proven guilty; but in the peculiar circumstances of this case, I consider that there is a great likelihood of the Accused interfering with some of the witnesses, not to mention the very awkward home circumstances that they would have to go back to if released on bail. This is a compelling reason for denying them bail for the time being. The issue may be re-visited once those witnesses have testified.

6. In the result the Accused persons will be denied bail for now. It is so ordered.

DATED AND SIGNED AT NANYUKI THIS 30TH DAY OF JULY 2018

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 31ST DAY OF JULY 2018