

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO 11 OF 2016

REPUBLIC.....PROSECUTOR

VERSUS

JAMES MAINA MWANGI.....ACCUSED

RULING

1. The Accused in this case, **James Maina Mwangi**, is charged with *murder* contrary to **section 203 as read with section 204** of the *Penal Code*. It is alleged in the information dated 04/07/2016 that on 22/06/2016 within Gatharaini Village, Mathioya Sub-County of Murang'a County he murdered his mother **Esther Mugure Mwangi**. On 13/07/2016 he pleaded not guilty to the charge. His trial is scheduled to commence on 11/04/2017. In the meantime he has applied by **notice of motion dated 07/09/2016** to be admitted to bail. The Republic has not opposed the application.

2. Bail pending trial for any offence is now a constitutional right that will be denied only for compelling reason. Any conditions for such bail the court might impose, again by constitutional edict, must be reasonable. See **Article 49 (1) (h)** of the *Constitution of Kenya, 2010*.

3. I have perused the witness statements and other documents supplied to the Accused and to the court by the prosecution, and I have noted the circumstances in which the alleged offence was committed. I find no compelling reason to deny the Accused bail.

4. I will in the event allow the notice of motion dated 07/09/2016. The Accused shall be admitted to bail upon his own cognizance in the sum of KShs 500,000/00 plus one surety in like sum. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 29TH DAY OF MARCH 2017

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 31ST DAY OF MARCH 2017