



**IN THE HIGH COURT OF KENYA AT MURANG'A**

**CRIMINAL CASE NO 7 OF 2016**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**DAVID NZIOKA KARIUKI.....ACCUSED**

**R U L I N G**

1. The Accused in this case, **David Nzioka Kariuki**, is charged with *murder* contrary to **section 203 as read with section 204** of the *Penal Code*. It is alleged in the information dated 31/05/2016 that on 12/05/2016 at Kibuu Village in Kandara Sub-County within Muranga County he murdered one **Paul Nzioki Kariuki**. On 20/06/2016 he pleaded not guilty to the charge. His trial is scheduled to commence on 29/09/2017. In the meantime he has applied by **notice of motion dated 08/07/2016** to be admitted to bail. The Republic has not opposed the application.
2. Bail pending trial 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 08/07/2016. 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 23<sup>RD</sup> DAY OF MARCH 2017**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 24<sup>TH</sup> DAY OF MARCH 2017**