



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO 9 OF 2016**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JOHN MWANGI.....ACCUSED**

**R U L I N G**

**1.** The Accused in this case, **John 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 20/06/2016 that on 24/05/2016 at 4 pm in Rwathia area within Murang'a County he murdered one **Esther Njoki Kihara**. On 22/06/2016 he pleaded not guilty to the charge. His trial commenced on 13/03/2017 and is scheduled to continue on 23/10/2017. In the meantime he has applied by **notice of motion dated 19/09/2016** to be admitted to bail. The Republic has not opposed the application.

**2.** Bail pending trial for any criminal 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 19/09/2016. The Accused shall be admitted to bail upon his own cognizance in the sum of KShs 750,000/00 plus one surety in like sum. It is so ordered.

**DATED AND SIGNED AT MURANG'A THIS 27<sup>TH</sup> DAY OF APRIL 2017**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 28<sup>TH</sup> DAY OF APRIL 2017**