

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO 23 OF 2016

REPUBLIC.....PROSECUTOR

VERSUS

ALICE WAIRIMU NJUGUNA.....ACCUSED

RULING

1. The Accused in this case, **Alice Wairimu Njuguna**, is charged with **murder** contrary to section **203 as read with section 204** of the **Penal Code**. It is alleged in the information dated 10/10/2016 that on 28/09/2016 at an unknown time at Kiahuhu Village, Gachochi Location in Kigumo Sub-County within Murang'a County, jointly with others not before the court, she murdered one **Faith Wanjiku Muriithi**. On 11/10/2016 she pleaded not guilty to the charge. Her trial is scheduled to commence on 03/07/2017. She has in the meantime applied to be admitted to bail by **notice of motion dated 17/10/2016**. The Republic has no objection.

2. Bail pending trial is now a constitutional right for all criminal offences that will be denied only for compelling reason, and any conditions that the court might impose for such bail, 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 provided to the Accused and to the court by the prosecution. I have noted the circumstances under which the alleged offence was committed. I find no compelling reason to deny bail.

4. In the circumstances I will allow the application. The accused shall be released upon her own cognizance in the sum of KShs 500,000/00 and one surety in like sum. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 18TH DAY OF MAY 2017

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 19TH DAY OF MAY 2017