

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO 8 OF 2016

REPUBLIC.....PROSECUTOR

VERSUS

JAMES MWANGI MAINA.....ACCUSED

RULING

1. The Accused **James Mwangi Maina** is charged with *murder* contrary to **section 203 as read with section 204** of the *Penal Code*. It is alleged in the information dated 09/06/2016 that in the night of 21st and 22nd May 2016 at Gakuya Village, Murarandia Location in Kahuro Sub-County within Murang'a County, he murdered one **Zacharia Waiharo Maina**. On 22/06/2016 he pleaded not guilty to the charge. His trial commenced on 13/03/2017 and is scheduled to continue on 02/07/2018. He has in the meantime applied by **notice of motion dated 06/06/2017** to be admitted to bail. The Republic has no objection.

2. Bail pending trial is now a constitutional right 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 read the witness statements and other documents provided to the Accused and the court by the prosecution. I do not find any compelling reason to deny the Accused bail.

4. I will in the circumstances allow the application. The Accused shall be admitted to bail upon his own cognizance in the sum of KShs 300,000/00 and one surety in like sum. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 21ST DAY OF DECEMBER 2017

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 22ND DAY OF DECEMBER 2017