

IN THE HIGH COURT OF KENYA

AT MURANG'A

CRIMINAL CASE NO 31 OF 2016

REPUBLIC.....PROSECUTOR

VERSUS

1. CATHERINE WANJIRU MAINA

2. FRANCIC NJOROGE

KAMANDA (alias MSUMARI).....ACCUSED

R U L I N G

1. The Accused persons herein, **Catherine Wanjiru Maina** and **Francis Njoroge Kamanda** (alias **Msumari**) are charged with *murder* contrary to **section 203** as read with **section 204** of the *Penal Code*. It is alleged in the information dated 29/11/2016 that in the night of 13th and 14th November 2016 at an unknown time at Kariti Shopping Centre in Kandara Sub-County within Murang'a County, they jointly murdered one **James Kiarie Kamande**.

2. On 15/03/2017 both Accused persons pleaded not guilty to the charge. Their trial is scheduled to commence on 06/11/2018. In the meantime the 1st Accused, Catherine Wanjiru Maina, has applied to be admitted to bail. The 2nd Accused, Francis Njoroge Kamanda has not similarly applied.

3. The Republic does not oppose the 1st Accused's application, and no replying affidavit has been filed.

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

5. As already noted, the Republic does not oppose the 1st Accused's admission to bail. In addition, I have read the witness statements and other documents provided to the Accused persons and to the court by the prosecution. I find no compelling reason therein to deny the 1st Accused bail.

6. In the circumstances I will allow the **notice of motion dated 03/04/2017**. The 1st Accused, Catherine Wanjiru Maina, shall be admitted to bail upon her own cognizance in the sum of KShs 300,000/00 plus one surety in like sum. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 14TH DAY OF DECEMBER 2017

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 15TH DAY OF DECEMBER 2017