



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO 2 OF 2012**

**(FORMERLY NYERI HIGH COURT CRIMINAL CASE NO 14 OF 2010)**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JACKSON MWANGI WATHITHI.....ACCUSED**

**R U L I N G**

1. The accused herein, **Jackson Mwangi Wathithi**, is charged with *murder* contrary to **section 203** as read with **section 204** of the *Penal Code*. It is alleged in the information dated 14/06/2010 that on 08/04/2010 at **Kamahuha Trading Centre** in **Murang'a South District**, jointly with others not before the court, he murdered one **Margaret Wambui Kamau**. On 15/06/2010 he pleaded not guilty at the High Court, Nyeri. His case was subsequently transferred to this court.
2. The Accused's trial commenced on 17/02/2014 before my predecessor (Ngaah, J) who took the testimonies of 4 prosecution witnesses. The case is scheduled for further hearing on 01/03/2016.
3. The Accused has in the meantime applied by **notice of motion dated 27/08/2015** to be admitted to bail pending conclusion of his trial. The prosecution does not oppose the application.
4. Bail pending trial is now a constitutional right that will be denied only for compelling reason; and any condition for such bail must be reasonable. See **Article 149 (1) (a) of the Constitution of Kenya, 2010**.
5. I have perused the witness statements and other documents provided to the Accused and to the court by the prosecution. I do not find any compelling reason to deny the Accused bail.
6. In the event I will allow the application. The Accused shall be admitted to bail upon his 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 25<sup>TH</sup> DAY OF FEBRUARY 2016**

**H.P.G. WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 26<sup>TH</sup> DAY OF FEBRUARY 2016**