

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO 21 OF 2014

REPUBLIC.....PROSECUTOR

VERSUS

MARCUS MUKUNDI.....ACCUSED

R U L I N G

1. Further to the preliminary ruling herein dated 11th and delivered on 20th November 2015, this is the substantive ruling on the Accused's application for bail pending trial.

2. The Accused, **Marcus Mukundi**, is charged with murder contrary to **section 203** as read with **section 204 of the Penal Code**. On 30/10/2014 he pleaded not guilty; his trial was scheduled to commence on 23/03/2015 but the court was subsequently informed that there were negotiations going on towards a plea-bargain agreement. No such agreement has been reached yet, and on 24/11/2015 the court was informed by the learned Principal Prosecution Counsel that there were some proceedings in Parliament that touched on this case that he wanted to look at in order to decide on how to proceed with the matter.

3. The Republic does not oppose the Accused's release on bail.

4. Bail pending trial is now a constitutional right for all offences that will be denied only for compelling reason. Any condition for such bail must be reasonable. For all these see **Article 149(1) (h)** of the **Constitution of Kenya, 2010**. I have perused the witness statements and other documents provided to the Accused and to the court by the prosecution. I do not find therein any reason to deny the accused bail.

5. In the event I will allow the notice of motion dated 21/09/2015. 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 25TH DAY OF FEBRUARY 2016

H.P.G. WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 26TH DAY OF FEBRUARY 2016