



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO 25 OF 2012**

**(FORMERLY NYERI HCCR CASE NO 36 OF 2011)**

**WILLIAM MBURU MUNGAI.....ACCUSED**

**VERSUS**

**REPUBLIC.....PROSECUTOR**

**R U L I N G**

1. The Accused, **William Mburu Mungai**, is charged with *murder* contrary to **section 203 as read with section 204** of the *Penal Code*. It is alleged that in the night of 16<sup>th</sup> and 17<sup>th</sup> November 2011 at Gatune Village, Githima Sub-location in Kigumo District within Murang'a County, he murdered one **Evans Mungai Kibunja**. His plea was taken on 13/12/2011 at Nyeri. He pleaded not guilty. On 29/10/2012 the case was transferred from Nyeri to this court.
2. The Accused's trial commenced on 24/02/2014 before Ngaah J. Four prosecution witnesses testified before the Judge. The case is scheduled for further hearing on 12/09/2016.
3. In the meantime the Accused has applied by **notice of motion dated 25/03/2013** to be admitted to bail pending conclusion of his trial. For some reason the application was not timeously prosecuted; it is the subject of this ruling. The Republic has not opposed 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 49(1) (h)** of the *Constitution of Kenya, 2010*.
5. I have read the witness statements and other documents supplied to the Accused and to court by the prosecution, and have noted the circumstances under which the alleged offence was committed. I have not found any compelling reason to deny the Accused bail.
6. In the circumstances 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 ON THIS 23<sup>RD</sup> DAY OF JUNE 2016**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 24<sup>TH</sup> DAY OF JUNE 2016**