

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO 24 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

GERALD GITAU KIHARA.....ACCUSED

RULING

1. The Accused in this case, **Gerald Gitau Kihara**, is charged with *murder* contrary to **section 203 as read as read with section 204** of the *Penal Code*. It is alleged in the information dated 18/06/2015 that on 30/05/2015 at Ngoini Village in Kanyenyaini Location within Kangema Sub-County of Murang'a County, he murdered one Benson Karugu Maina. On 02/07/2015 he pleaded not guilty to the charge. His trial is scheduled to commence on 08/11/2016.
2. The Accused has in the meantime applied to be admitted to bail pending his trial. The Republic does not oppose the application.
3. Bail pending trial is now a constitutional right that will be denied only for compelling reason. Any condition for such bail that the court might impose must be reasonable. See **Article 49(1) (h)** of the *Constitution of Kenya, 2010*.
4. I have read the witness statements and other documents supplied by the prosecution to the Accused and to the court. I find nothing compelling to deny the Accused bail.
5. 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 and one surety in like sum. It is so ordered.

DATED, SIGNED AT MURANG'A THIS 16TH DAY OF JUNE 2016

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 17th DAY OF JUNE 2016