



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO 11 OF 2012**

**(FORMERLY NYERI HCCR CASE NO 5 OF 2012)**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JOHN GITAHI MWANGI.....ACCUSED**

**R U L I N G**

1. The Accused herein, **John Gitahi Mwangi**, is charged with *murder* contrary to **section 203 as read with section 204** of the *Penal Code*. It is alleged in the information dated 07/02/2012 that on 27.01.2012 at an unknown time at Gataragwa Village in Kamunge Sub-location of Murang'a County, he murdered one Jonna Mwangi. On 12/03/2012 he pleaded not guilty to the charge. On 14/11/2012 the case was transferred from Nyeri to this court.
2. The Accused's trial commenced on 20/05/2015. A date for further hearing will be given on 17/06/2016 after delivery of this ruling.
3. This ruling concerns the Accused's application by notice of motion dated 03/03/2016 to be admitted to bail pending conclusion of his trial. The Republic does not oppose the application.
4. Bail pending trial is now a constitutional right for all criminal offences. It 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 the Court by the prosecution, and I have noted the circumstances of the commission of the alleged offence. I have not found therein any compelling reason to deny the Accused bail.
6. I will in the event 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 MURANGA THIS 16<sup>TH</sup> DAY OF JUNE 2016**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANGA THIS 17<sup>TH</sup> DAY OF JUNE 2016**