



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO 3 OF 2016**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**BONIFACE NDUNG'U KARAYA.....ACCUSED**

**RULING**

1. The Accused in this case, **Boniface Ndung'u Karaya**, is charged with *murder* contrary to **section 203** as read with **section 204** of the *Penal Code*. It is alleged in the information dated 25/01/2016 that on 22/01/2016 at Karunge Sub-location in Mathioya Sub-County of Murang'a County, he murdered one **Stephen Kiiru Mwangi**. His plea was taken on 10/02/2016. He pleaded not guilty. His trial is scheduled to commence on 16/08/2016. He has in the meantime applied by **notice of motion dated 10/02/2016** to be admitted to bail. The Republic does not oppose the application.

2. Bail pending trial is now a constitutional right for all criminal offences. It will be denied only for compelling reason. Any condition the court may impose for such bail must be reasonable. See **Article 49(1)(h)** of the *Constitution of Kenya, 2010*.

3. I have perused the witness statements and other documents supplied to the Accused and to the court by the prosecution, and have noted the circumstances of commission of the alleged offence. I find no compelling reason to deny the Accused bail.

4. In the event I will allow the notice of motion dated 10/02/2016. The Accused will be admitted to bail upon his own cognizance in the sum of KShs 50,000/00 and one surety in like sum. It is so ordered.

**DATED AND SIGNED AT MURANG'A ON THIS 9<sup>TH</sup> DAY OF JUNE 2016**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 10<sup>TH</sup> DAY OF JUNE 2016**