



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO 18 OF 2013**

**FRANCIS NJOROGE MUGURO.....ACCUSED**

**VERSUS**

**REPUBLIC..... PROSECUTOR**

**RULING**

1. The Accused in this case, **Francis Njoroqe Muguro**, is charged with *murder* contrary to **section 203 as read with section 204** of the *Penal Code*. It is alleged in the information dated 04/11/2013 that on 25/10/2013 at Gachocho Shopping Centre in Kigumo District within Murang'a County he murdered one **Elizabeth Wanjiku Irungu**. He pleaded not guilty on 28/01/2014. His case is scheduled to go to trial on 07/12/2016. He has in the meantime sought to be admitted to bail by **notice of motion dated 08/10/2015**. The Republic does not oppose the application.

2. 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*.

3. I have read the witness statements and other documents provided to the Accused and to the court by the prosecution, and I have noted the circumstances in which the alleged offence was committed. I find no compelling reason to deny the Accused his constitutional right to bail.

4. I will therefore allow the notice of motion dated 08/10/2015. The Accused shall be admitted to bail upon his own cognizance in the sum of KShs 700,000/00 and one surety in like sum. It is so ordered.

**DATED AND SIGNED AT MURANG'A THIS 29<sup>TH</sup> DAY OF SEPTEMBER 2016**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 30<sup>TH</sup> DAY OF SEPTEMBER 2016**