



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO 13 OF 2014**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JANE NJOKI.....ACCUSED**

**RULING**

1The Accused in this case, **Jane Njoki**, is charged with *murder* contrary to **section 203 as read with section 204** of the *Penal Code*. It is alleged in the information dated 14/05/2014 that between 28<sup>th</sup> April and 17<sup>th</sup> May 2014 at an unknown time at Kamune Village, Kamacharia Sub-location within Murang'a County, she murdered one **Francis Mwangi Gachanja**. She pleaded not guilty and her trial commenced on 19/10/2015. The case shall be further heard on 12/10/2016. The Accused has in the meantime applied by **notice of motion dated 25/04/2016** to be admitted to bail pending conclusion of her trial. 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 have noted the circumstances of the commission of the alleged offence. I find no compelling reason to deny the Accused her constitutional right to bail.

4. In the event. I will allow the notice of motion dated 25/04/2016. The Accused shall be admitted to bail upon her own cognizance in the sum of KShs 500,000/00 pus 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**