



**REPUBLIC OF KENYA**

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

**HIGH COURT CRIMINAL CASE NO 24 OF 2012**

**(FORMERLY NYERI HC CR CASE NO 40 OF 2011)**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JOHN MBUGUA NJUGUNA.....ACCUSED**

**RULING**

1. The Accused in this case, **John Mbugua Njuguna**, is charged with two counts of *murder* contrary to **section 203 as read with section 204** of the *Penal Code*. It is alleged in the information dated 23/12/2011 that on 26/06/2007 at Mukoye trading centre in Kandara Division within Murang'a County, jointly with others not before court, he murdered one **John Mburu Kuria** and one **Daniel Muiruri Chege**. It appears that there was an inquest first vide *Kandara SPM Inquest No 1 of 2010* before the Accused was arrested and charged with the two murders.

2. The Accused's plea was taken on 16/01/2012 at the High Court in Nyeri. He pleaded not guilty to both counts. The case was subsequently transferred to this court for disposal. The Accused's trial commenced on 13/07/2016. Only one prosecution witness has testified so far. The case is scheduled for further hearing on 11/04/2017.

3. The Accused has now applied by **notice of motion dated 17/08/2016** to be admitted to bail pending conclusion of his trial. The Republic has no objection to bail and has not filed any replying affidavit.

4. Bail pending trial for any criminal offence is now a constitutional right that can be denied only for compelling reason. Any conditions for such bail, again by constitutional edict, must be reasonable. See **Article 49(1) (h)** of the *Constitution of Kenya, 2010*.

5. As already indicated, the Republic has no objection to the Accused being admitted to bail pending conclusion of his trial. I have myself perused the witness statements and other documents provided by the prosecution to the Accused and to court. I find no compelling reason to deny the Accused his constitutional right to bail pending conclusion of his trial.

6. In the circumstances I will allow the application and admit the Accused to bail. He shall be released upon his own cognizance in the sum of KShs 500,000/00 plus one surety in like sum. It is so ordered.

**DATED AND SIGNED AT MURANG'A THIS 16<sup>TH</sup> DAY OF NOVEMBER 2016**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 18<sup>TH</sup> DAY OF NOVEMBER 2016**