



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO 25 OF 2015**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**MICHAEL KIIO KAVITA.....ACCUSED**

**RULING**

1. The Accused in this case, **Michael Kiio Kavita**, is charged with **murder** contrary to **section 203 as read with section 204** of the **Penal Code**. It is alleged in the information dated 30/06/2015 that on 26/06/2015 at about 6.00 pm in Gituamba Location in Gatanga District of Murang'a County, he murdered one **John Mwangela Nzuki**. The Accused's plea was taken on 23/07/2015. His trial is scheduled to start on 15/02/2017.

2. The Accused has now applied by **notice of motion dated 19/07/2016** to be admitted to bail pending his trial. The Republic has no objection to bail and has not filed any replying affidavit.

3. 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**.

4. 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.

5. 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**