

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL APPEAL NO 1 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

TERRY T. R. NYAMBURA MBURU.....ACCUSED

RULING

1. The Accused, **Terry Teresia Roseline Nyambura Mburu**, is charged with murder contrary to **section 203 as read with section 204** of the **Penal Code**. It is alleged that on 24th December, 2014 at *Runda* estate in *Thika Township* within *Kiambu County* she murdered one **Zachary Ndwiga Njagi**. She pleaded not guilty and is awaiting trial. She has now sought to be admitted to bail pending trial. The Republic does not oppose the application.

2. Bail is now a constitutional right for any criminal offence, and will be denied only for compelling reasons. See **Article 49(1) (h)** of the *Constitution of Kenya, 2010*. The bail conditions imposed must be reasonable.

3. The Accused's learned counsel informed the court that the Accused is a student and that she does not present any flight risk at all. I have perused the "committal bundle" of documents supplied by the Republic to the court and so the learned counsel for the Accused. I have noted the circumstances under which the alleged offence was allegedly committed. I can find no compelling reason for denying the Accused bail.

4. I will therefore allow the notice of motion dated 26/03/2015. The Accused shall be admitted to bail pending her trial **upon her own cognizance in the sum of KShs 100,000/00 and one surety in like sum**. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 29TH DAY OF APRIL 2015

H P G WAWERU

JUDGE

DELIVERED THIS 30TH DAY OF APRIL 2014