



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

**CRIMINAL CASE NO 12 OF 2012**

**(FORMERLY OF NYERI HC CR CASE 10 OF 2012)**

**REPUBLIC ..... PROSECUTOR**

**VERSUS**

**KELVIN MUNYUGA HURUKO.....ACCUSED**

**R U L I N G**

1. The Accused **Kelvin Munyuga Huruko** is charged with murder contrary to section 203 as read with section 204 of the Penal Code. The particulars set out in the information dated 20/01/2012 are that on 07/02/2011 at Njii-ithatu Sub-location within Murang'a County he murdered one Virginia Wanjiku Huruko. His plea was taken on 3/05/2012 at the High Court, Nyeri. He pleaded not guilty. Eventually the case was transferred to the High Court, Murang'a. It is scheduled for hearing on 20/07/2015. In the meantime the accused has sought by notice of motion dated 27/10/2014 to be admitted to bail pending his trial. The Republic has not opposed the application.

2. The Accused's trial has taken an inordinately long time to commence. He has been in custody since February 2012. In any event, bail is a constitutional right for any criminal offence whatsoever and will be denied only for compelling reasons, and any conditions imposed for such bail must be reasonable. See **Article 49(1) (h)** of the *Constitution of Kenya, 2010*.

3. As already stated the Republic does not oppose bail for the Accused. In the circumstances I will admit the Accused to bail pending his trial. He shall be released upon his own cognizance in the sum of KShs 100,000 plus one surety in like sum. It is so ordered.

**DATED AND SIGNED AT MURANG'A THIS 23<sup>RD</sup> DAY OF JUNE 2015**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 26<sup>TH</sup> DAY OF JUNE 2015**