



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MERU**  
**CRIMINAL CASE NO. 18 OF 2015**

**REPUBLIC.....PROSECUTOR**

**V E R S U S**

**STEPHEN MURURU.....1<sup>ST</sup> ACCUSED**

**NAFTALI MURIUNGI.....2<sup>ND</sup> ACCUSED**

**RULING**

**Benjamin Stephen Mururu** and **Naftali Muriungi** are jointly charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. By the application dated 8/10/2015, they pray to be released on bond. The accused 1 is the father of accused 2 and accused 1 deponed that they have been advised by their Counsel that they are presumed innocent till proven guilty and have an unquantified right to bail unless compelling reasons are disclosed. He further deponed that they are not a flight risk; that they are residents of Meru where their families reside and will comply with any conditions that the court may impose.

The State did not file any reply as the Investigation Officer was said to be away.

This is the second application for bond, an earlier one having been declined by this court on 10/6/2015. The reasons for the rejection of the application was that the accused persons were a flight risk and that they had been threatening witnesses. Surprisingly, however, the current Pre-bail report favours the release of the accused on bond. In the present report, there are no negative feelings towards the accused from the community save the family of the deceased which is usually normal considering they lost their loved one. However, what is noteworthy, and what was not revealed in the earlier report was that the accused persons had been reporting to the police station for a long time before they were arrested and charged, the offence having been committed in 2013; that they were not arrested till February, 2015. If they were a flight risk, they would have ran away during that period and would also have interfered with witnesses during that period they had not been arrested. For all the above reasons, I find that there are no compelling reasons to deny the accused persons bond. I grant them bond as follows:

- 1. Each to deposit a cash bail of KShs.50,000/=;**
- 2. To provide a surety of KShs.200,000/=;**
- 3. They should attend court as will be required of them;**

**4. To be of good conduct while on bond;**

**5. Should not interfere with witnesses.**

**DATED, SIGNED AND DELIVERED THIS 15<sup>TH</sup> DAY OF DECEMBER, 2015.**

**R.P.V. WENDOH**

**JUDGE**

**15/12/2015**

**PRESENT**

Mr. Mulochi for State

Mr. Mutuma for Accused

Ibrahim/Peninah, Court Assistants