



REPUBLIC OF KENYA



**Republic v Mwalumbo (Criminal Case E003 of 2022)
[2025] KEHC 2638 (KLR) (25 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2638 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL CASE E003 OF 2022
AN ONGERI, J
FEBRUARY 25, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

WILSON MWANGULA MWALUMBO ACCUSED

RULING

1. The learned defence Counsel made an application for the release of the Accused person on a reasonable bond upon the Accused person taking a plea of Not Guilty on the murder charge he is facing.
2. The court called for a Probation Officer's report which has been duly filed.
3. The Probation report dated 17th February 2025 is favourable except for an objection raised by the Accused person's immediate family members who requested that the Accused person continues with the case while in remand as they put in place measures to make the environment at home more conducive for his release.
4. It is not clear what they mean by the statement that the home environment is not fully conducive.
5. The prosecution is not opposed to the release of the Accused person on reasonable bond.
6. The *Constitution* of Kenya 2010 made all offences bailable. Article 49(1)(h) states as follows:-

“An arrested person has the right to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.”
7. In this case, I find that there are NO compelling reasons to warrant the Accused person to be held in custody.
8. Every Accused person is presumed innocent until proved guilty according to Article 50(2)(a).



9. The issue of a conducive environment at the home of the Accused person is not a compelling reason to deny the Accused person bond.
10. I release the Accused person on a bond of Kshs. 500,000/= with one surety of similar amount pending the hearing and determination of his case.

DATED, SIGNED AND DELIVERED THIS 25TH DAY OF FEBRUARY 2025 VIRTUALLY VOI.

ASENATH ONGERI

JUDGE

In the presence of:-

Court Assistant: Maina

Mr. Mwawasi for the Accused

Accused present at Manyani GK Prison

