



**Waithuku v Prosecutor (Criminal Case E060 of 2024)  
[2025] KEHC 1171 (KLR) (Crim) (25 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 1171 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL CASE E060 OF 2024  
AM MUTETI, J  
FEBRUARY 25, 2025**

**BETWEEN**

**ZACHARIA NGURE WAITHUKU ..... ACCUSED**

**AND**

**PROSECUTOR ..... REPUBLIC**

**RULING**

1. The 2<sup>nd</sup> Accused person Zacharia Nguire Waithuku was jointly charged with Ruth Njuhi Maina with the offence of murder. The two are alleged to have murdered one John Kando Njoroge on the 29<sup>th</sup> August 2024.
2. The prosecution has indicated to the court that they have no reasons to oppose the 2<sup>nd</sup> Accused persons release on Bail pending the trial. Article 49 of *the Constitution* guarantees the Right of Bail to all accused persons irrespective of the charge one faces.
3. The offence of murder though a grave one is bailable and the Accused persons charged with such an offence should be released on terms that are reasonable considering the seriousness of the offence and severity of sentence the offence attracts. The terms should be such that once the accused person is released on Bail, there is guarantee that he would return for trial. The personal circumstances of the accused were not laid out by the defence counsel to assist the court in determining the terms of release.
4. However, balancing the accused person's right to liberty and considering that he is still presumed to be innocent under Article 50 of *the Constitution*, I hereby admit the 2<sup>nd</sup> Accused Zachariah Nguire Waithuku to bail in the following terms.
  - a. Accused shall be released on Bond of Ksh. 1000,000/= plus one surety of similar amount.



- b. Accused person shall provide details of one contact person who can be reached by the Investigating Officer should the court require her attendance.
- c. The Accused person shall maintain a mobile phone number which she shall be required to keep in use until the matter is heard and determined.

It is so ordered.

**DATED, SIGNED AND DELIVERED IN VIRTUAL COURT AT NAIROBI THIS 25<sup>TH</sup> DAY OF FEBRUARY, 2025.**

**A. M. MUTETI**

**JUDGE**

In the presence of:

Kiptoo: Court Assistant

Ms Ogega for the Applicant

Wanyanga for Respondent

Ogado for Interested Party

