



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Kiumu & 2 others (Criminal Case 37 of 2020)
[2025] KEHC 3782 (KLR) (7 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3782 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE 37 OF 2020
DO CHEPKWONY, J
MARCH 7, 2025**

BETWEEN

REPUBLIC STATE

AND

SOLOMON KINYANJUI KIUMU 1ST ACCUSED

ANDREW IREGI NJERI 2ND ACCUSED

DAVID NDUKUNGU 3RD ACCUSED

RULING

1. The Accused persons, Solomon Kinyanjui Kiumu, Andrew Iregi Njeri and David Ndua Kungu are charged with the offence of Murder contrary to Section 203 as read with Section 204 of the [Penal Code](#).

The particulars of offence are that:-

“On the evening of 8th day of September, 2019 at Gituamba location within Gatundu North Sub County in Kiambu County, the accused persons jointly murdered Jane Muthoni Wanjiru.”

2. On 7th October, 2020, the accused persons were arraigned before the Deputy Registrar where it was directed that they be assigned counsel to represent them and attend court for plea taking on 15th October, 2020. And on 15th October, 2020, the charge was read over and full information thereof explained to them in Kiswahili language which they all understood and the accused persons pleaded ‘Not Guilty’ to the offence. The accused persons through their counsel sought for release on favourable bond/bail terms and in a ruling delivered on 24th March, 2021, the court granted their request and ordered that each accused person be released on bond of Kshs. 500,000/= and two sureties of similar sum. Their sureties were approved and accused persons were accordingly released.



3. On 29th January, 2024, the two sureties for the 2nd accused person sought to withdraw as sureties citing harassment and insults from him. The court allowed their application to withdraw as sureties, discharged them as such and directed that the 2nd Accused person be remanded in custody and ordered for the securities deposited by them in court to be released to them.
4. Though his counsel, Mr. Marube, the 2nd Accused now seeks to have his bond terms reviewed so he can provide one surety instead of two as ordered on 24th March, 2021. The court called for a social inquiry and the Bail Information Report was filed in court on 16th February, 2025. In conducting the social inquiry, the Probation Officer considered the 2nd accused person's family background, his personal history, drugs and substances abuse, previous adherence to bond/license terms, seriousness of the offence, victim's concerns and sentiments, community ties, bail sureties and securities in coming up with its conclusion and recommendations, all of which the court has considered. In the conclusion, it is indicated that the 2nd Accused person is a 37 year old father of one child, who was a casual worker before his arrest. It is reported that he was released on bond but he breached the terms when he started being rebellious to his family members leading to his sureties withdrawing. Upon his sureties being discharged, the 2nd accused was remanded in custody until such time that he will provide other suitable sureties. It is also reported that the 2nd accused is seeking a 2nd chance and forgiveness from his family who are fearful that if he is released he may still go back to his devious ways. It is also noted that the views of the community on the 2nd accused are negative and that they would want him to continue being remanded for the sake of peace for family members, especially his elderly mother. As for the family of the deceased, it is said that they are bitter with the loss of their kin and oppose his release on bond terms.
5. In the recommendations, the Probation Officer has stated that the 2nd Accused person does not have a strong social support from both family and community who believe he should not be re-admitted to bond/bail terms given that he breached the first time and is thus the 2nd Accused person is not suitable to be released on any bail/bond terms.
6. Having considered the oral prayer by the 2nd Accused person for a review of the bail/bond terms, this court has considered the grounds upon which the previous sureties were discharged. The two sureties who are mother and sister to the 2nd accused person, both complained of harassment and insults from him. The court has also considered the Bail Information Report on the 2nd accused and find the same not in his favour. However, it is worth-noting that the bond/bail terms for the 2nd accused were not cancelled and what he is seeking is a review of the same so that he can provide one surety instead of two as was ordered to in the ruling delivered on 24th March, 2021.
7. Therefore, in view of the report on the 2nd accused person's character, this Court finds that his application is unmeritable and directs that the bond/bail terms be maintained in the terms provided vide the ruling delivered on 24th March, 2021.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 7TH DAY OF MARCH, 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:-

M/S Ndeda counsel for the State

No appearance



Accused – present

Court Assistant - Martin

