



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Kimani (Criminal Case E005 of 2025)
[2025] KEHC 5840 (KLR) (8 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 5840 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
CRIMINAL CASE E005 OF 2025**

LN MUTENDE, J

MAY 8, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

DAVID NJENGA KIMANI ALIAS DAVII ACCUSED

RULING

1. David Njenga Kimani alias Davii, the Accused, is charged with the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) following allegations of having murdered Lucia Wanjiru Ndungu (Deceased) on 5th January, 2025, at Munanda Village, Gatundia Trading Centre, Laikipia.
2. Having denied the information presented by the Director of Public Prosecutions, the Accused seeks to be released on bond/bail pending trial.
3. The application was not opposed by the State/Prosecutor through learned State Counsel, Mr. Obutu. However, pursuant to the requirement of the Victim Protection Act, this court sought to have views of the secondary victims.
4. The victim views were obtained from the deceased nuclear family. Although they appreciate the accused person right to be released on bond, they are uncomfortable with the Accused release on bond expressing fear that there could be killers at large.
5. The community, according to the probation officer have no problem with the accused being released on bond as he is a resident of the area. The source of information is however not divulged.
6. It was therefore, the recommendation of the Probation Officer that the accused be considered for bond terms as he has a strong socio-support system. In that regard the State opted to leave it to the court



to exercise its discretion to grant bail and also to impose terms that would ensure the Accused attends court and deter him from interfering with witnesses.

7. The right of an indicted person to be released on bail/bond is grounded on Article 49(1)(h) of the Constitution which enacts that:
 - (h) To be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.
8. The accused person is presumed innocent until the contrary is proved (See Article 50(2) of the Constitution). This is why pretrial detention is frowned at.
9. This is a case where it is not averred under oath that there exist reasons to have the Accused incarcerated during trial. That being the case, I grant him bond of Ksh. 500,000/- with a surety in a like sum.
10. It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 8TH DAY OF MAY, 2025.

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L.N. MUTENDE
JUDGE

