



**Republic v Ng’ang’a (Criminal Case E002 of 2024)  
[2025] KEHC 8404 (KLR) (12 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8404 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MURANG’A  
CRIMINAL CASE E002 OF 2024  
CW GITHUA, J  
JUNE 12, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**ANTHONY NJORA NG’ANG’A ..... ACCUSED**

**RULING**

1. The accused, Anthony Njora Ng’ang’a faces a charge of murder Contrary to Section 203 as read with Section 204 of the [Penal Code](#).
2. The particulars allege that on the night of 23<sup>rd</sup>/24<sup>th</sup> December 2023 at Gatuamba area of Kabati Location, Kandara Sub-county, the accused murdered Martin Mwaniki Kangara.
3. The court record further reveals that on 12<sup>th</sup> February 2024, the accused was arraigned before the court but he took his plea on 26<sup>th</sup> February 2024. He denied the charges. His learned counsel, Ms. Nyagah, immediately made an oral application seeking that he be admitted to bond or bail pending conclusion of his trial.
4. The application was opposed by the prosecution through a replying affidavit sworn by the investigating officer, P.C. Henry Mutua on 12<sup>th</sup> February 2024.

Briefly, the reasons given in opposition to the application was that if released, the accused was going to interfere with prosecution witnesses who were his neighbours and that the victim’s family were hostile towards him and were not ready to have him back in their community and therefore, releasing him on bond was likely to compromise his safety. The prosecution also claimed that the accused was a flight risk and that due to the seriousness of the offence, he was likely to abscond if granted bond.

5. In response to the depositions made by the investigating officer in opposition to the application, the accused filed a further affidavit sworn on 7<sup>th</sup> March 2024 in which he denied that he was likely to



- interfere with witnesses if released. He also denied that he was a flight risk and stated that he had a fixed place of abode at Kariko Village where he was living with his parents and siblings before he was arrested. He asserted that although he was aware of the seriousness of the charges facing him, he had no intention of absconding.
6. The application was canvassed by way of written submissions. Those of the applicant were filed on 18<sup>th</sup> April 2024 while the respondent filed its submissions on 5<sup>th</sup> June, 2024.  
After perusing the submissions, I found it prudent to call for a pre-bail report to shed light on the situation on the ground in view of the prosecution's claim that there was hostility towards the accused from his village mates and that if released, his security and safety was likely to be in danger.
  7. The pre-bail report was filed on 7<sup>th</sup> March 2024 which confirmed the apprehension expressed by the prosecution relating to the accused's safety if admitted to bond and he went back to live in his home.
  8. For reasons which are on record which included non-production of the accused from prison custody, this matter was mentioned before the Hon. Deputy Registrar several times and it was not until 9<sup>th</sup> April 2025 when it was placed before me for purposes of fixing a ruling date.
  9. When studying the file in order to write the ruling, I discovered that the record did not have a current pre-bail report and I directed that one be filed to assist the court make a fair and just determination of the application taking into account all relevant factors including the safety of the accused. A fresh pre-bail report was filed on 9<sup>th</sup> June 2025 whose content I will advert to shortly.
  10. It is now settled that admission to bond or bail pending trial is a constitutional right of every accused person irrespective of the seriousness of the offence charged. The right can only be denied if the prosecution established existence of compelling reasons to justify denial of exercise of that right.
  11. In this case, the prosecution's claim that if released, the accused was going to interfere with its prosecution witnesses has not been substantiated by any evidence. The prosecution did not avail any evidence to show whether or not the accused and the prospective witnesses knew each other or whether there was any familial relationship between them. The prosecution has not also claimed that the accused had in the past done anything that would amount to perceived or actual intimidation or interference with the said witnesses.
  12. The claim that the accused was a flight risk and that there was hostility towards him at the locus in quo has been dislodged by the accused's replying affidavit and the current pre-bail report filed on 9<sup>th</sup> June 2025 which confirm that the accused has a permanent residence at Kariko Village, Muruka Location and that the initial hostility that had been expressed by members of his community as reflected in the initial pre-bail report has since dissipated.
  13. It is however noteworthy that the victim's family was still opposed to admission of the accused to bond on grounds that releasing him would amount to denial of justice for their son.
  14. I have considered the views expressed by the victim's family as I am required to do by the Victim's Protection Act of 2014 and while I emphasize with the situation the family finds itself in, the law is that an accused person, including the accused in this case, is presumed innocent until proved guilty.
  15. In view of the foregoing, I am satisfied that the prosecution has not established existence of compelling reasons to justify denial of the accused person's right to bond or bail pending his trial.
  16. Consequently, I allow the application on the following terms;



- (i) The accused shall be released upon executing a personal bond of Kshs.300,000 together with one surety of a similar amount. The surety will be approved by the Hon. Deputy Registrar of this court.
- (ii) Once released, the accused shall not interfere with the prosecution witnesses whether directly or indirectly.
- (iii) He shall attend this court whenever required without fail.
- (iv) Failure to comply with any of the above conditions will lead to cancellation of his bond.

It is so ordered.

**DATED, SIGNED AND DELIVERED AT MURANGA THIS 12<sup>TH</sup> JUNE 2025**

**HON. C. W. GITHUA**

**JUDGE**

In the presence of :

The Accused

Ms Nyagah for the Accused

Ms Muriu for the State

Ms. Susan Waiganjo, Court Assistant

