



**Republic v Njoroge alias Jangili (Criminal Case E001 of 2024)
[2024] KEHC 2508 (KLR) (13 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2508 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDAMA RAVINE
CRIMINAL CASE E001 OF 2024
RB NGETICH, J
MARCH 13, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

PETER NJOROGE ALIAS "JANGILI" ACCUSED

RULING

1. The accused person Peter Njoroge Alias Jangili has been charged with the offence of Murder Contrary to Section 203 as read with Section 204 of the [Penal Code](#). Particulars of the charge being that the accused between 20th and 21st day of December, 2023 at Maji Mazuri area, in Koibatek Sub- County within Baringo County, jointly with another not before court, unlawfully killed Mary Njeri.
2. The charge and its full particulars were read over and explained to the accused on 23rd January, 2024. He denied the charge. The defence counsel Mr. Nyagaka applied for accused to be admitted to bail/bond. The prosecution informed the court they were not opposed to the accused being released on bond.
3. The court directed that the probation officer to prepare prebail report to assist the court in determining bond. From the report the family of the accused is known within Maji Mazuri Sub-Location, Maji Mazuri Location in Koibatek Sub-County. The family resides in a plot that has no official document, title deed. All his siblings do casual jobs or engage in small scale business. None in his immediate family has title deed, pay slip or logbook. The Probation Officer was informed that the accused's father had approximately two acres of land in Rongai, Nakuru that is contentious as his father had a second wife who solely took that land.
4. The accused promised to attend court whenever instructed to do so without fail. He believes that his life will not be in danger if granted bond. He undertakes to maintain peace in the community. His family pray that he be granted personal bond so that he can have a chance to take care of his children who are dependants.



5. The primary victim of this matter was murdered resulting to this case. She was a wife to the accused. Her body was buried at Eldama-Ravine public cemetery. The families of the accused and the deceased victim worked together in the burial process. The children of the deceased are under the care of their paternal family. The victim's children and relative are not opposed to accused being granted bond.
6. The local administration perceive the accused as a threat to security, flight risk and careless. That he is a drunkard and is a prime suspect of bhang abuse and a peddler of the same within Maji Mazuri Location. They also say he is a member of a criminal gang that commit crimes in his home area and the surrounding. The accused's neighbors gave similar sentiments.
7. The Probation Officer found from social inquiry that the accused abused alcohol and bhang; from their assessment, the accused is of medium risk considering his chances of recidivism. However, both accused's and victim's family agree that the accused may be granted affordable bond to allow him an opportunity to take care of his children. The Probation Officer's view is that the accused may be considered for bond with stringent terms.

Determination

8. Under Article 49(1)(h) of the Constitution, an accused person has a right to be granted bond pending trial unless there is some compelling reason.
9. Moreover, by dint of Article 50(2) of the Constitution, every accused person is entitled to the presumption of innocence. The presumption of innocence dictates that accused persons should be released on bail or bond whenever possible. The presumption of innocence also means that pretrial detention should not constitute punishment, and the fact that accused persons are not convicts should be reflected in their treatment and management and they should not be subject to the same rules and regulations as convicts.
10. The overarching objective of bail is to ensure the accused attends his trial. Relevant matters to be considered by the court include the nature of the charge; the likely sentence, previous criminal records, the views of the family of the victim, the possibility of interference with witnesses; the temptation to abscond; and, the safety of the accused.
11. Under article 50 of the constitution, an accused person is presumed innocent until proven guilty. Though he is suspected to be a member of a gang, no tangible evidence or record on previous conviction has been availed to court. Upon considering sentiments of the local administration, victim's family and accused's family, no compelling reasons have been advanced to warrant denying accused bond.

Final Orders : -

- 12 Accused may be released on bond of Kshs 500,000 with one surety of a similar amount.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 13TH DAY OF MARCH 2024.

.....

RACHEL NGETICH

JUDGE

In the presence of:

Mr. Nyagaka for Accused.



Applicant present.

E. Kibet, Court Assistant.

