



**Republic v Kinuthia (Criminal Case 52 of 2019)  
[2024] KEHC 9622 (KLR) (Crim) (7 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 9622 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CRIMINAL  
CRIMINAL CASE 52 OF 2019**

**LN MUTENDE, J**

**AUGUST 7, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**PIUS IRUNGU KINUTHIA ..... ACCUSED**

**RULING**

1. Pius Irungu Kinuthia, the accused is indicted for murder, allegations being that he contravened the provisions of Section 203 as read with Section 204 of the Penal Code by committing an act that resulted into the death of Susan Wanjiku on the 7<sup>th</sup> day of August, 2019.
2. Pursuant to the accused constitutional rights as stipulated by Article 49(1)(h) of *the Constitution*, he seeks to be released on bail during pendency of trial. The alluded provision of the law provides that:
  - (1) An arrested person has the right—
    - (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.
3. (4) civilian witnesses have testified. The State through learned prosecution Counsel Ms. Ogweno was of the view that the State have no compelling reasons to call for the accused continued incarceration but asked for a pre-bail report.
4. This court directed the probation department to file a pre-bail report on 30<sup>th</sup> July,2024, however, the order is yet to be complied with.
5. In the premises, the accused who is presumed innocent until proven otherwise may be released on Bond of Kshs. 500,000/- with a surety in a like sum.



6. It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY THROUGH MICROSOFT TEAMS AT  
NAIROBI, THIS 7<sup>th</sup> DAY OF AUGUST, 2024.**

**L. N. MUTENDE**

**JUDGE**

