



**Republic v Kinuthia (Criminal Appeal E010 of 2022)
[2023] KEHC 1926 (KLR) (10 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 1926 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL APPEAL E010 OF 2022
MM KASANGO, J
MARCH 10, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

JOHN KIMUNYA KINUTHIA ACCUSED

RULING

1. John Kimunya Kinuthia is charged with the offence of murder. He pleaded not guilty. The deceased Onesmus Mwangi Kimunya was the accused's son. The information before court reveal that the accused allegedly committed the said offence with others not before court.
2. The accused is indeed presumed innocent until proven guilty. With that presumption of innocence, the accused is entitled to be released on bail/bond pending his trial unless there are compelling reasons not to do so.
3. The prosecution requested the court to bear in mind that one of the key witnesses in this case is a son of the accused. I have indeed noted the same and I am of the considered view that the likelihood of accused interfering with that witness, his son is real in view of the obvious royalty of a child to his parent.
4. further, I note that there are others implicated in this offence, who have not yet been apprehended. In view of that fact and the possibility that the accused may one way or another hinder their apprehension, I am of the view that the application for bail/bond will be declined.

Disposition

5. Having considered the bail application pending trial, I am of the view that there are compelling reasons to deny the accused bail. The application is declined. The accused will be given a date for pre-trial to be conducted.

RULING DATED AND DELIVERED AT KIAMBU THIS 10TH DAY OF MARCH, 2023.



MARY KASANGO

JUDGE

In the presence of:-

Coram:

Court Assistant : Mourice/Julia

For the applicant/accused:- absent

Instructed by DPP for Respondent:- Mr. Gacharia

***RULING** delivered virtually.*

MARY KASANGO

JUDGE

