



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Kariuki & 2 others (Criminal Case E005 of 2023)
[2023] KEHC 17485 (KLR) (11 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 17485 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E005 OF 2023
PM MULWA, J
MAY 11, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

ELIJAH MURAYA KARIUKI ALIAS WAKARIS 1ST ACCUSED

FRANCIS MWANGI NYAMBURA 2ND ACCUSED

KELVIN NDUNGU KIMANI 3RD ACCUSED

RULING

1. The three accused persons Elijah Muraya Kariuki alias Wakaris, Francis Mwangi Nyambura and Kelvin Ndungu Kimani were jointly charged with two counts of the offence of Murder contrary to section 203 as read with section 204 of the [Penal Code](#), in that:-

Count 1

On the December 11, 2022 at around 12.00 pm, at Oasis Mugutha Area in Juja Sub-County within Kiambu County, jointly murdered Simon Gakure Wanjohi.

Count 2

On the December 11, 2022 at around 12.00 pm, at Oasis Mugutha Area in Juja Sub-County within Kiambu County, jointly murdered Franklin Mutwiri.

2. The charges were read over and particulars explained to the accused persons on March 6, 2023. They denied the charges and pleas of not guilty entered. Mr. Tumu counsel for the 1st accused and Mr. Olaka counsel for the 2nd and 3rd accused applied to have the accused persons released on reasonable bail terms.
3. The state counsel Mr. Muriuki did not oppose accused being released on bond but urged the court to call for a pre-bail reports. Pre-bail reports were filed on March 28, 2023.



4. The prebail reports respectively stated:
- i. In respect of 1st Accused – His siblings are very supportive of him and describe him as one who is well behaved and well learned upto university level.. He is married and blessed with three children. He connects well with the community and is a member of the ACK Church. The local administration know him as law abiding.
 - ii. In respect of 2nd Accused – He has the family to support him in the event he is granted bond. He is married with two children and attends the apostolic church regularly. According to the local administration, he relates well with the people.
 - iii. In respect of 3rd Accused – He is married with three children and the family depends on him. Described by his former employer as a person of integrity and has strong family ties. The community holds him in high regard saying he is honest and hard working.
5. The prebail reports reinforce the submissions by counsel for the accused persons they are not flight risks and if granted bail they will attend court whenever they are required.
6. Article 49(1)(h) of the [Constitution](#) gives every accused person a right to be released on reasonable bail terms unless there are compelling reasons. No compelling reasons have been advanced and I see no reason to deny accused persons bond. I therefore allow the application for bond.

7. **FINAL ORDERS:-**

Each of the accused persons to be released on a bond of Kshs. 500,000/= with one surety of a similar amount.

RULING delivered, dated and signed virtually at **Kiambu**

This **11th** day of **May**, 2023.

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P.M. MULWA

JUDGE

In the Presence of:

Kinyua/Duale – Court Assistants

Accused - All present

Mr. Muriuki for State

Mr. Njoroge b/b for Mr. Tumu for 1st Accused

Mr. Olaka for 2nd & 3rd Accused

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