



**Republic v Maina (Criminal Case E041 of 2022)
[2023] KEHC 18726 (KLR) (12 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 18726 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E041 OF 2022**

**PM MULWA, J
JUNE 12, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

NICHOLAS KARANJA MAINA ACCUSED

RULING

1. This is a bail application of Nicholas Karanja Maina the accused herein who has been charged with the offence of Murder contrary to section 203 as read together with section 204 of the [Penal Code](#).
2. The particulars of the information are that on July 28, 2022 at Kwambira area, Limuru Sub-County within Kiambu County, he murdered Agnes Wanene Muigai.
3. A mental assessment test on the accused was conducted on September 21, 2022 and he was found fit to plead and stand trial. He denied the offence on November 24, 2022 and a plea of not guilty was entered.
4. Mr Kasyoka counsel for the state informed the court that the state had no compelling reasons to object to bond but urged the court to call for a pre-bail report.
5. Re-visiting the bond/bail issue on May 29, 2023, Ms Ngochi counsel for the accused person submitted that the accused was entitled to be released on reasonable bond terms as guaranteed by Article 49 of the [Constitution](#). And that he was ready to abide by any conditions/terms set by the court.
6. The court called for a pre-bail report which was to determine where the accused would be held as well as his suitability to be released on reasonable bail/bond terms.
7. The pre-bail report was filed on March 27, 2023. It depicts the accused as a habitual offender, but one who undertakes to attend trial whenever required and hopeful that community will accord him support. The accused understands and acknowledges the the gravity of the offense facing him.



8. The victim's family is hopeful that they will get justice and are opposed to the release of the accused on bond/bail terms. The local administrator stated that the accused will require supervision if released on bail.
9. Article 49 (h) of the Constitution accords every accused person the right "to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released."
10. In the instant case the prosecution is not opposed to the accused being released on bond/bail. There are no compelling reasons that have been raised.
11. The accused mother is said to be hesitant to post bail and the family lacks anything to be deposited as security in court.
12. Pursuant to the foregoing and in the absence of any compelling reasons the accused has a constitutional right to be released on bail/bond.
13. Final Orders: -
The accused is admitted to a bond of Kshs 500,000/= with one surety of a similar amount. If released he is not to interfere with witnesses.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KIAMBU THIS 12TH DAY OF JUNE, 2023.

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P.M. MULWA

JUDGE

In the Presence of:

Kinyua/Duale – Court Assistants

Accused - Present

Mr. Muriuki - for State

Ms. Ngochi - for Accused

