



**Republic v Wanga (Criminal Case E017 of 2023)
[2023] KEHC 21566 (KLR) (3 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 21566 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E017 OF 2023
PM MULWA, J
AUGUST 3, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

METRINE CHISEKA WANGA ACCUSED

RULING

1. The accused person herein Metrine Chiseka Wanga was charged with three counts of the offence of murder contrary to section 203 as read with section 204 of the *Penal Code*. The particulars were that on March 25, 2023 at Thogoto Damacrest Area in Thogoto Location, Kikuyu Sub-County within Kiambu County, she murdered Neriah Williams Odhiambo, Shirleen Linell Odhiambo, and Ashley Ajwan Odhiambo.
2. On May 22, 2022, the accused pleaded not guilty on the three counts and a plea of not guilty on the three counts was entered.
3. Ms Kimathi counsel for the accused pleaded with the court to release the accused on reasonable bail/bond terms and submitted that she was not a flight risk and her sister is willing to take her in. That for a long period the accused person has been a victim of mental and physical abuse, has suffered trauma and was undergoing treatment.
4. Mr Muriuki counsel for the state did not oppose the release of the accused person on bond/bail but urged the court to call for a pre-bail report.
5. A pre-bail report was filed in court on June 16, 2023 and describes the accused as a law-abiding citizen who had never been previously charged in a court of law. That the victims were her three children. That she understands the seriousness of the offence and pleads with the court to accord her lenient bond terms on the promise that she will adhere with all the conditions set. The local administration in Thogoto describes the accused as a humble person who lived in peace with her family.



6. The report recommends that the accused be released on reasonable bail terms.
7. Article 49(1)(h) of the *Constitution* guarantees an arrested 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.
8. Further, section 123A (1) of the *Criminal Procedure Code* sets out the circumstances that the court may consider when deciding whether or not there exist compelling reasons to deny the accused bail pending trial. These circumstances include the “nature or seriousness of the offence; the character, antecedents, associations and community ties of the accused person; the defendant’s record in respect of the fulfilment of obligations under previous grants of bail; and, the strength of the evidence.”
9. Having considered the circumstances of the case and more importantly that the victims are the children of the accused and the fact that the prosecution does not oppose the release of the accused on bail; and in the absence of any compelling reasons advanced by the prosecution, this court is thus under a constitutional obligation to release the accused on bond/bail.
10. In the circumstances, the accused may be released on a bond of Kshs 500,000/= with a surety of a similar amount.

Orders accordingly.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 3RD DAY OF AUGUST 2023.

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P.M. MULWA

JUDGE

In the presence of:

Duale – court assistant

Mr. Muriuki - for the state

Ms. Kimathi - for the accused person

Accused - present

