



**Kinuthia & 6 others v Republic (Criminal Case E023 of 2024)  
[2024] KEHC 15566 (KLR) (6 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15566 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CRIMINAL CASE E023 OF 2024  
A MSHILA, J  
DECEMBER 6, 2024**

**BETWEEN**

**WALLACE MBUGUA KINUTHIA ..... 1<sup>ST</sup> APPLICANT  
ANTONY KAMAU WAITHERA ..... 2<sup>ND</sup> APPLICANT  
GEORGE GITAU NGIGE ..... 3<sup>RD</sup> APPLICANT  
SIMON MBUGUA THUO ..... 4<sup>TH</sup> APPLICANT  
DANIEL WACHIRA MITHUTE ..... 5<sup>TH</sup> APPLICANT  
DOROTHY NJERI MUIRURI ..... 6<sup>TH</sup> APPLICANT  
JOSHUA NGANGA MITHUTE ..... 7<sup>TH</sup> APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicants were charged with the offence of Murder contrary to Section 203 as read with Section 204 of the *Penal Code*; they are accused of having murdered Lewis Makimei Ngari on the 5<sup>th</sup> June, 2024. The Applicants have filed applications for admission to bail pending the hearing of the murder case which are premised under the Articles 49(f) and 50(a) of the *Constitution* 2010.
2. Their applications for bail had been disallowed before the star witnesses had testified for fear that they would interfere with the said witnesses.
3. After one witness testified the Applicants moved the court for a review of their bond terms. The application was opposed strenuously by the Prosecuting Counsel and the reason adduced was pursuant to the Court Order of 28<sup>th</sup> August, 2024 the application was premature as the star witnesses were yet to testify, but later he conceded to the Applicants being admitted to bail but with stringent terms and



a severe reprimand not to interfere with the prosecution witnesses and to also report to the Lari DCIO every two (2) weeks.

4. As the application is not opposed this Court is satisfied that the application is merited, the Applicants ought to be given a chance to enjoy the benefits of Article 49(1)(h) of the Constitution 2010 but with a severe reprimand and stringent terms.
5. For those reasons the Applicants are hereby admitted to bail on the following terms and conditions:-
  - i. Bond is set at Kshs.1,000,000/- with a surety of a like amount and one contact person;
  - ii. The Applicants shall be of good conduct during this period, and shall not interfere with any of the prosecution witnesses;
  - iii. The Applicants shall be in attendance at all mentions and hearings in a timely manner;
  - iv. They are directed to report to the Lari DCIO office every two (2) weeks;
  - v. In the event any of the Applicants breach any of these terms and conditions the offending Applicants Bond shall be vacated and they shall be returned and be remanded pending the determination of the case.

Orders Accordingly

**DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 6<sup>TH</sup> DAY OF DECEMBER, 2024.**

**A.MSHILA**

**JUDGE**

In the presence of;

Court Assistants – Sanja/Julia

Gacharia – for the State

Njoroge for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> accused and holding brief for Jese for the 4<sup>th</sup> accused

Njenga Muchai watching brief for victim's family

1<sup>st</sup> accused – Wallace

2<sup>nd</sup> accused – Antony

3<sup>rd</sup> accused – Goerge

4<sup>th</sup> Accused - Simon

5<sup>th</sup> accused – Daniel

6<sup>th</sup> accused – Joshua

7<sup>th</sup> accused – Dorothy – out on bond.

