



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. 36 OF 2020

REPUBLIC.....PROSECUTOR

VERSUS

1. GEORGE GAIHUNA MUKONO

2. MONICAH NJOKI MBUGUA.....ACCUSED

RULING

1. Both accused are facing the charge of murder of one, *NJOROGE MUKONO* deceased. They pleaded not guilty to the charge and are presently waiting for their trial they have applied that they be released on bail.

2. The State does not oppose their application.

3. The deceased was brother to the 1st accused and uncle to the 2nd accused. The 1st accused is 50 years old, married with three children. The 2nd accused is a single mother of three children.

4. Considering the provisions of **Article 49(1(h))** of the Constitution which grants an arrested person right to bail. I am of the view that the accused can be granted bail. The terms of release on bail however will take into account that offence the accused face is serious and because of the likely term of sentence, if they are found guilty, to be heavy, the bail terms should be commensurate hereof: See the case of **REPUBLIC VS. ROBERT ZIPPORIT NZILU (2018) eKLR.**

5. DISPOSITION

I grant the following order:-

The accused **GEORGE GAIHUNA MUKONO** and **MONICAH NJOKI MBUGUA** shall each be released on bond of Kshs.500, 000/= and one surety of like sum for each of them.

RULING DATED, SIGNED and DELIVERED on this 15th day of APRIL, 2021.

MARY KASANGO

JUDGE

Coram:

C/A: Kevin

Accused 1: Present

Accused 2: present

For the accused: Mr. Kamuiru holding brief for Mr. Gachoka

For the prosecution: Ms. Kathambi

COURT

Ruling delivered virtually.

MARY KASANGO

JUDGE