



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. 19 OF 2020

NELSON MUHAGANI MUGADI.....ACCUSED

VERSUS

REPUBLIC.....PROSECUTOR

RULING

1. **NELSON MUHAGANI MUGADI** is charged with the offence of murder contrary to **Section 203** as read with **Section 204** of the Penal Code. He has applied, by his application dated 25th February, 2021, that he be released on bail pending his trial. Under **Article 49(1)(h)** of the Constitution unless there are compelling reasons, an arrested person has the right to be released on bond or bail on reasonable conditions pending either his charge or trial. The grounds which could lead to refusal of bail were considered in the case of **REPUBLIC VS. ROBERT ZIPPORIT NZILU (2018) eKLR** that is, where an accused may endanger the safety of public, where he the accused may fail to attend his trial, where he may attempt to influence or intimidate witnesses or conceal or destroy evidence, or jeopardise the proper functioning of the criminal justice system, amongst others.

2. The Director of Public Prosecutions did not oppose bail application but requested that the sureties be person who reside in Kiambu or Nairobi County because the accused is resident of Kakamega.

3. I have considered the probation pre-bail report, which report is positive towards the bail application.

4. In view of the above and bearing in mind the offence the accused faces and the serious possible punishment, if the accused is convicted I make the following orders:-

(a) **Nelson Muhagani Mugadi** shall be released on bond of Kshs.500,000/= with two sureties of similar amount.

(b) The accused shall not interfere with prosecution's witnesses

RULING DATED, SIGNED and DELIVERED at KIAMBU this 6TH day of MAY, 2021.

MARY KASANGO

JUDGE

Coram:

Court Assistant..... Ndege.

Applicant: present

For accused Mr. Karanja

Mr. Kasyokafor the State

COURT

Ruling delivered virtually.

MARY KASANGO

JUDGE