



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KIAMBU
CRIMINAL CASE NO. E021 OF 2021

BETWEEN

LAYMAN WAMWEA....APPLICANTS/ACCUSED

VERSUS

REPUBLIC.....RESPONDENT/PROSECUTOR

RULING

1. **LAYMAN WAMWEA** pleaded not guilty to the charge of murder. His trial is yet to commence. He has applied for bail/bond pending his trial. His application was not opposed by prosecution.
2. The constitution under **Article 49(1)(h)** provides that bail/bond should be granted to an arrested person pending his trial, unless there are compelling reasons to deny bail/bond. I have considered the pre-bail report and I find no reason to deny the accused bail/bond.
3. The only consideration I will bear in mind is that the terms of bail/bond should ensure the accused does attend his trial: See the case **REPUBLIC VS. ROBERT ZIPPOR NZILU (2018) eKLR**:-

“I associate myself with the view expressed by Muriithi, J in KELLY KASES BUNJIKA VS. REPUBLIC (supra) that:

‘It is clear that the primary consideration for bail is whether the accused will attend his trial for the charges facing him, and it must, therefore, be a compelling reason if it is demonstrated that “the accused person is likely to fail to attend court proceedings”. The question in this matter becomes whether there is, on a balance of probabilities evidence that the accused is likely to abscond. The accused claims to have a good defence to the charge of escape from custody. The nature of such defence and evidence is not disclosed. The accused merely asserts his “constitutional right to be granted.”’

4. I therefore grant the following orders:-

- a. **LAYMAN WAMWEA** is hereby released on his own bond Kshs.500,000/= and one surety of similar amounts.
- b. The accused shall not interfere with the prosecution’s witnesses.

RULING DATED AND DELIVERED AT KIAMBU THIS 7TH DAY OF JUNE, 2021

MARY KASANGO

JUDGE

Coram:

Court Assistant: Ndege

Accused: Absent

For Accused: Kyalo

For DPP: Mr. Kasyoka

COURT

RULING delivered virtually.

MARY KASANGO

JUDGE