



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KIAMBU**

**CRIMINAL CASE NO. E008 OF 2021**

**REPUBLIC.....PROSECUTOR**

**VS**

**JOHN KAMAU NJOKI.....ACCUSED**

**RULING**

1. **JOHN KAMAU NJOKI** has applied that he be granted bail/bond pending his trial. He was charged with offence of murder contrary to **Section 203** as read with **Section 204** of the Penal Code. He pleaded not guilty.
2. I have received the probation pre-bail report. It shows accused has not had previous conflict with the law. He was raised by a single mother alongside his siblings. He was unable to progress in education further than standard 4 due to financial constraint. He was estranged from his wife at the time of his arrest. They were blessed in that union with one child.
3. Stephen Kasyoka the prosecution counsel for Director of Public Prosecutions did not oppose the bail application.
4. The main function of granting bail is to ensure an accused person does attend trial. This was stated in the case of **REPUBLIC VS. ROBERT ZIPPOR NZILLU (2018) eKLR** thus:-

***“10. Gravity of the offence as a consideration was appreciated by Mbogholi Msagha, J in CRIMINAL APPLICATION NO. 319 OF 2002 PRISCILLA JEMUTAI KOLONGE VS. REPUBLIC (unreported) at page 3, wherein he held as follows:-***

***‘However, the nature of the charge or offence and the seriousness of the punishment if the applicant is found guilty must be considered in applications of this nature. I subscribe to the observation that where the charge against the accused is more serious and punishment heavy, there are more probabilities and incentive to abscond, whereas in case of minor offences.’”***

**DISPOSITION**

5. There being no compelling reason to deny accused bail pending trial, I grant the following orders:-

(a) **John Kamau Njoki** is hereby released on a bond of Kshs.500,000/= with two sureties of similar amount.

(b) **John Kamau Njoki** is released on bond on condition that he shall not interfere or contact the prosecution’s witnesses pending trial.

**RULING DATED, SIGNED AND DELIVERED AT KIAMBU THIS 10TH DAY OF JUNE, 2021.**

**MARY KASANGO**

**JUDGE**

Coram:

Court Assistant :Ndege

Accused : Present

Applicant/accused: Ms. Kyalo

Respondent/prosecutor: Mr. Kasyoka

**COURT**

Ruling delivered virtually.

**MARY KASANGO**

**JUDGE**