



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. 40 OF 2020

REPUBLIC.....PROSECUTOR

VERSUS

PETER NZUKI MUTHINI.....ACCUSED

RULING

1. **PETER NZUKI MUTHINI** is charged with the offence of murder contrary to Section 203 as read with section 204 of the Penal Code. He seeks bail pending his trial.
2. The pre-bail probation report indicates that the victim's family is still mourning the death of the deceased. They are against the accused being released on bail.
3. The accused comes from a humble background. He is 41 years old, married with three young children. Members of the accused family are in favour of him being granted lenient bail terms.
4. The charge of murder is indeed serious. I am guided by what was stated in the case **REPUBLIC VS. ROBERT ZIPPORIT NZILU (2018) eKLR** thus:-

“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, there may be no such incentive.’”

5. I am however of the view that there is no compelling evidence before me which would lead me to deny accused bail pending trial.

DISPOSITION

6. I order **Peter Nzuki Muthini** to be released pending his trial on bond of Kshs.1million and two sureties of similar amount.

RULING DATED, SIGNED and DELIVERED at KIAMBU this 10th day of JUNE, 2021.

MARY KASANGO

JUDGE

Coram:

Court Assistant : Ndege

Applicant/Accused : Present

For: Applicant/Accused : Mr. Mambo

Prosecutor : Mr. Kasyoka

COURT

Ruling delivered virtually.

MARY KASANGO

JUDGE