



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KIAMBU**

**CRIMINAL CASE NO. E015 OF 2021**

**BETWEEN**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**NEWTON WAKA.....ACCUSED**

**RULING**

1. **NEWTON WAKA** (the accused) is awaiting his trial for the charge of murder. Unless there are compelling reasons not to release an accused person bail/bond should be granted to an accused pending trial: See **Article 49(1)(h)** of the Constitution.
2. **Article 50(2)(a)** provides that an accused person should be presumed innocent until contrary is proved.
3. The accused is said to have a fixed abode where he resides with his family and two children.
4. Accused's application was not opposed by prosecution. In view of the State's position on the bail application, and because the main consideration in an application for bail is that there be an assurance an accused will attend trial, as stated in the case of **REPUBLIC VS. ROBERT ZIPPOR NZILU (2018) eKLR**, and since I have no doubt in the accused undertaking to attend his trial, I will grant him bond.
5. Accordingly, I grant the following orders:-
  - a. **NEWTON WAKA** is granted bond of Kshs.500,000/= with one surety of similar amount.
  - b. The accused shall not interfere with the prosecution's witnesses.

**RULING DATED and DELIVERED at KIAMBU this 3<sup>rd</sup> day of JUNE, 2021.**

**MARY KASANGO**

**JUDGE**

Coram:

Court Assistant: Ndege

Accused: ..... Present

For Accused: Mr. Muhita

For DPP : Mr. Kasyoka

**COURT**

RULING delivered virtually.

**MARY KASANGO**

**JUDGE**