

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIVASHA

CRIMINAL CASE NO. E014 OF 2021

REPUBLIC.....PROSECUTOR

-VERSUS-

JOHN MBURU MBUGUA.....ACCUSED

RULING

1. The Accused herein has been charged with murder contrary to **Section 203** as read with **Section 204** of the **Penal code**. The particulars are that on the 10th day of August, 2021 at Ihindu area in Naivasha Sub County within Nakuru County, he murdered **Stanford Mbugua Mburu**.
2. On 4th November, 2021, counsel for the Accused **Mr. Gichuki** made an oral application seeking to have the Accused released on bond pending trial. He submitted that the Accused is not a flight risk and his mother is ready to put in reasonable security.
3. Ms. Maingi for the Prosecution did not oppose the application. He submitted that there are no compelling reasons to warrant the Accused being denied bond but prayed for bond with a surety.
4. Article **49(1) (h) of the Constitution** entrenches the right of an arrested person to be released on bond or bail pending a charge or trial on reasonable terms, unless there are compelling reasons to warrant refusal. Considering that the bail application is not opposed and no compelling reasons have been alluded to either by the Prosecution or in the Pre-bail Report filed in this court, I hereby grant him bail on the following terms:-
 - i. The Accused be released upon payment of a cash bail of Kshs. 250,000/=.*
 - ii. Alternatively, the Accused may be released on a bond of Kshs. 500,000/= plus one surety of similar amount.*
 - iii. The surety shall be approved by the Deputy Registrar of this Court.*
 - iv. The Accused is warned that if he fails to attend court for his trial, he will be re-arrested and his bail/bond shall be cancelled immediately.*

DATED AT NAIVASHA THIS 18TH DAY OF NOVEMBER, 2021.

G.W.NGENYE-MACHARIA

JUDGE

In the presence of;

1. Mr. Gichuki for the Appellant.
2. Mr. Maingi for the Prosecution.