



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. E023 OF 2021

BETWEEN

REPUBLIC.....PROSECUTOR

VERSUS

JOHN NJOROGE RUNGU..... ACCUSED

RULING

1. **JOHN NJOROGE RUNGU**, is charged with the offence of murder. He pleaded not guilty. He has applied to be released on bond/bail pending the determination of his trial.

2. I have considered the probation pre-bail report. I have noted that the deceased's family are not opposed to the release of accused on bond/bail.

3. The accused is married and a father of five children. He is a farmer where he grows avocado for export. It is clear the accused is not a flight risk. In this regard, I rely on the holding in of the case of **REX V. HAWKEN (1944) 2 DLR 116** as follows:-

“The question of bail is sometimes misunderstood. When a man is accused he is nevertheless still presumed to be innocent and the object of keeping him in custody prior to trial is not on the theory that he is guilty but on the necessity of having him available for trial. It is proper that bail should be granted when the Judge is satisfied that the bail will ensure the accused appearing at his trial.”

4. The bail application was not opposed by prosecution.

5. I grant the following orders:-

THAT **John Njoroge Rungu** is released on his own bond of Kshs.500,000/- with one surety of similar amount.

6. Orders accordingly.

RULING DATED AND DELIVERED AT KIAMBU THIS 9TH DAY OF DECEMBER, 2021.

MARY KASANGO

JUDGE

Coram:

Court Assistant: Maurice

For DPP:- Mr. Kasyoka

For Accused :- Mr. Kamuiru absent

Accused : **JOHN NJOROGE RUNGU:-** present

COURT

RULING delivered virtually.

MARY KASANGO

JUDGE