



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. 13 OF 2020

BETWEEN

REPUBLIC..... PROSECUTOR

VERSUS

REGINA WANGUI GACHIE.....ACCUSED

RULING

1. **REGINA WANGUI GACHIE**, is charged with the offence of murder of **PETER MACHARIA MURIITHI** deceased. The deceased was a husband of the accused. The accused pleaded not guilty to the offence and has applied that she be released from custody pending her trial.
2. The accused has a constitutional right to be granted bond/bail pending the determination of her trial. The only rider to that right is that such release from custody on bond/bail will be denied where there are compelling reasons. In this case, no compelling reasons were shown and the State did not oppose the application.
3. The probation provided a pre bail report which shows the accused is 33 years old. She was married to the deceased for 9 years. They were blessed with two children. The children are of tender years and having lost their father, of the deceased, the accused is the only surviving parent.
4. The accused is presumed innocent until proven guilty. There being no compelling reasons to deny accused bond/bail the court finds that it should safeguard the accused's liberty and much more there is need for accused to resume caring for the children.
5. The court in the case **REPUBLIC VS. DIANA SULEIMAN SAID & ANOTHER (2014) eKLR** has this to say on the value of personal liberty:

“There is no denying the fact that the liberty of an individual is precious and is to be zealously protected by the courts. Nonetheless, such a protection cannot be absolute in every situation. The valuable right of liberty of an individual and the interest of the society in general has to be balanced. Liberty of a person accused of an offence would depend upon the exigencies of the case. It is possible that in a given situation, the collective interest of the community may outweigh the right of personal liberty of the individual concerned.”

6. It follows that the court will grant accused bond.

7. I grant the following orders:-

Regina Wangui Gachie shall be released from custody pending here trial on bond of Kshs.500,000/= with one surety of similar amount.

8. A date for hearing shall be fixed at the delivery of this Ruling.

9. Orders accordingly.

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

MARY KASANGO

JUDGE

Coram:

Court Assistant: Maurice

For DPP:- Ms. Kathambi/Mr. Kasyoka

For Accused :- Mr. Njehu

Accused : **REGINA WANGUI GACHIE:- Present**

COURT

RULING delivered virtually.

MARY KASANGO

JUDGE