



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. E031 OF 2021

BETWEEN

REPUBLIC.....PROSECUTOR

VERSUS

SAMUEL WANYOIKE NJUGUNA.....ACCUSED

RULING

1. **SAMUEL WANYOIKE NJUGUNA** is charged with the offence of murder. He pleaded not guilty. He seeks his release from custody pending his trial.
2. The application was not opposed by prosecution.
3. The pre-bail probation and after care services report reveals that the accused is a 23 year old father of one child.
4. The accused is presumed innocent until proven guilty. He is however facing a serious charge and the court will bear that in mind in consideration of the bail application. In this regard, see the holding in of the case of **REPUBLIC VS. AHMED MOHAMMED OMAR & 6 OTHERS (201) eKLR:-**

"... whereas the applicant is still presumed innocent; if he were to be convicted for murder, there is a possibility that the trial court could sentence him to death. To my mind, therefore, the severity of the sentence remains a significant factor for consideration in an application for bail pending trial."

5. Bearing the above in mind, I make the following orders:-

(a) **SAMUEL WANYOIKE NJUGUNA** shall be released from custody pending his trial on his own bond of Kshs.500,000/- and two sureties of similar amount.

(b) **SAMEUL WANYOIKE NJUGUNA** during the pendency of this trial shall reside elsewhere other than Githurai 45.

6. 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/KASYOKA

FOR ACCUSED :- MS. NGURU

ACCUSED : SAMUEL WANYOIKE NJUGUNA - PRESENT

COURT

RULING DELIVERED VIRTUALLY.

MARY KASANGO

JUDGE