



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NANYUKI**

**CRIMINAL NO 1 OF 2020**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**1. ALEX MURIITHI**

**2. VIVIAN KANANA KARIUKI.....ACCUSED**

**RULING ON BAIL**

1. The two Accused herein, **ALEX MURIITHI** and **VIVIAN KANANA KARIUKI**, are charged with **murder** contrary to **sections 203 and 204** of the **Penal Code**. It is alleged in the information dated 15/01/2020 that in the night of 29<sup>th</sup> and 30<sup>th</sup> December, 2019 at Kangaita in Buuri Sub-County within Meru County, jointly with others not before the court, they murdered one **JOHN LOMOI**.

2. On 22/01/2020 the Accused pleaded not guilty to the charge. Because of the current **Coronavirus (COVID-19)** pandemic in the country the case has not yet been given a date for trial. In the meantime the Accused have asserted their constitutional right to bail pending trial. The Republic has no objection.

3. Bail pending trial is now a constitutional right that will be denied only for compelling reason; and any condition that the court might impose for such bail, again by constitutional dictate, must be reasonable. For all that see **Article 49(1) (h)** of the **Constitution of Kenya, 2020**.

4. I have perused through the witness statements and other documents, copies of which were supplied to the Accused and to court by the prosecution. I can find therein no compelling reason to deny the Accused their constitutional right. I will admit them to bail.

5. Each Accused shall be released upon his/her personal cognizance in the sum of KShs 300,000/00 plus one surety in the same sum. It is so ordered.

**DATED AND SIGNED AT NANYUKI THIS 29<sup>TH</sup> DAY OF SEPTEMBER 2020**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT NANYUKI THIS 8<sup>TH</sup> DAY OF OCTOBER 2020**