



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO. 37 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

PRISCILLA WANJIRU KAHORA.....ACCUSED

RULING

1. The accused prays for *bail* pending trial. A *pre-bail report* was filed on 15th July 2019 recommending that the accused be granted bond.
2. The application is *not* contested by the Republic.
3. The accused is deemed *innocent*. Under **Article 49 (1) (h)** of the **Constitution**, she is entitled to bail pending trial *unless* there are *compelling* circumstances.
4. The overarching objective of bail is to ensure the accused *attends* his trial. ***Muraguri v Republic*** [1989] KLR 181.
5. Other relevant considerations include the nature of the charge; the likely sentence; previous criminal records, the *views* of the *family of the victim*, the possibility of interference with witnesses; the temptation to abscond; and, the safety of the accused.
6. The accused is charged for the murder of *Consolata Njoki Njoroge* on 16th September 2018 at *Gatwiku village, Kariaira Location, Gatanga Sub-Location, Murang'a County*.
7. From the medical report dated 25th April 2019 by Dr. Mburu, Consultant Psychiatrist at Muranga Level 5 Hospital, the accused had "*uncontrolled psychiatric illness and was put on supervised medications*". It may be related to "*infanticidal ideations*" at the time of delivery. The Consultant advised as follows-

"To avoid any recurrence of the illness, she has to continue on medications and clinical follow-up"

8. Learned counsel for the accused has informed the court that Esther Wandeto Kahora, a sister to the accused, will ensure that the accused takes her medication and attends clinics.
9. There being no compelling reasons for denial of bail, I will admit the accused to bail on the following conditions.
 - i) That the accused shall be released upon execution of a bond in the sum of *Kshs 300,000* together with *one* surety of a similar amount. The surety shall be *examined* and approved by the Deputy Registrar of this Court.
 - ii) That Esther Wandeto Kahora, a sister to the accused, together with the approved surety undertakes to ensure that the accused takes her medication regularly and that she attends all scheduled clinics before the consultant psychiatrist at Muranga Level 5 Hospital.
 - iii) That the accused shall *not* interfere with the witnesses named in the *information* charging her with murder.
 - iv) That the accused shall attend *all* mentions or hearings of their case.
10. In default of *any* of the conditions above, the bond shall stand cancelled; and, both Esther Wandeto Kahora and the surety shall be called to account.

It is so ordered.

DATED, SIGNED and DELIVERED at MURANG'A this 23rd day of July 2019.

KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of-

Accused.

Mr. Kimani for the accused.

Mr. Mutinda for the Republic.

Ms. Dorcas and Ms. Elizabeth, Court Clerks.