



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NANYUKI**

**CRIMINAL CASE NO 18 OF 2019**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ANTONY KARIUKI WANJOHI.....ACCUSED**

**RULING ON BAIL**

1. The Accused in this case, **ANTONY KARIUKI WANJOHI**, is charged with **murder** contrary to **section 203** as read with **section 204** of the **Penal Code**. It is alleged in the information dated 27/09/2019 that in the night of 16/08/2019 at Solio Village 7 in Laikipia Central Sub-county within Laikipia County, he murdered one **FREDRICK MATHENGE KABUE**.
2. On 01/10/2019 the Accused pleaded not guilty to the charge. His trial is scheduled to commence on 02/12/2019. In the meantime he has asserted his constitutional right to bail pending the trial. The Republic has no objection.
3. Bail pending trial is now a constitutional right for all criminal offences. It will be denied only for compelling reason. Further, any condition that the court might impose for such bail, again by constitutional edict, must be reasonable. For all that see **Article 49(1) (h)** of the **Constitution of Kenya, 2010**.
4. I have perused the witness statements and other documentary evidence, copies of which were supplied by the prosecution to the Accused and to court. I have noted the circumstances under which the alleged offence was committed, without in any way compromising on the Accused's constitutional and legal right to the presumption of innocence until and unless proven guilty to the required standard. I find no compelling reason there to deny him bail.
5. The Accused shall be released upon his own cognizance in the sum of KShs 1 million plus two sureties in like sum. It is so ordered.

**DATED AND SIGNED AT NANYUKI THIS 20<sup>TH</sup> DAY OF NOVEMBER 2019**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT NANYUKI THIS 21<sup>ST</sup> DAY OF NOVEMBER 2019**