



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO 14 OF 2018**

**REPUBLIC..... PROSECUTOR**

**VERSUS**

**SIMON MWAURA**

**SAMMY WEKESA SIMIYU.....ACCUSED**

**RULING ON BAIL**

1. The Accused persons in this case, *Simon Mwaura* and *Sammy Wekesa Simiyu*, are charged with *murder* Contrary to **section 203 as read with Section 204** of the *Penal Code*. It is alleged in the information dated 10<sup>th</sup> September, 2018 that on 25<sup>th</sup> August, 2018 at Muthaiga area of Wiyumiririe Trading Centre, Laikipia Central Sub-County in Laikipia County, jointly with others not before the court, they murdered one MICHAEL NGUNJIRI KIHUMBA (alias Dedan Wachiuri).
2. On 27<sup>th</sup> September, 2018 the Accused persons pleaded not guilty to the charge. Their trial is scheduled to commence on 20<sup>th</sup> November, 2018. They have applauded to be admitted to bail in the meantime. The prosecution has no objection.
3. Bail pending trial is now a constitutional right for all criminal offences that will be denied only for compelling reason. Any condition 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 read through the witness statements and documentary evidence supplied by the prosecution to both the Accused persons and the court. I find in them no compelling reason therein to deny the Accused persons bail.
5. I will in the event admit the Accused persons to bail. Each of them may be released upon his own cognizance in the sum of KShs 300,000/00 and one surety each in like sum. It is so ordered.

**DATED AND SIGNED AT NANYUKI THIS 11<sup>TH</sup> DAY OF OCTOBER 2018**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT NANYUKI THIS 11<sup>TH</sup> DAY OF OCTOBER 2018**