



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MURANG'A**

**CRIMINAL CASE NO 20 OF 2016**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**HILLARY NYATODO OYUGI.....ACCUSED**

**R U L I N G**

1. The Accused herein, **Hillary Nyatodo Oyugi**, is charged with *murder* contrary to **section 203 as read with section 204** of the *Penal Code*. It is alleged in the information dated 14/09/2016 that on 02/11/2014 in Ngaturi Town within Murang'a County he murdered one **Julius Karanja Mwangi**.

2. On 25/11/2016 the Accused pleaded not guilty to the charge. His trial is scheduled to commence on 26/09/2017. He has in the meantime applied to be admitted to bail by **notice of motion dated 09/11/2016**. The Republic does not oppose the application and has not filed any replying affidavit.

3. Bail pending trial is now a constitutional right that will be denied only for compelling reason. Any condition that the court may impose for such bail, again by constitutional edict, must be reasonable. See **Article 49 (1) (h)** of the *Constitution of Kenya, 2010*.

4. I have perused the witness statements and other documents supplied to the Accused person and to the court by the prosecution. I do not find any compelling reason to deny the Accused bail.

5. I will in the event allow the application and admit the Accused to bail pending his trial. He shall be released upon his own cognizance in the sum of KShs 300,000/00 plus one surety in like sum. It is so ordered.

**DATED AND SIGNED AT MURANG'A THIS 9<sup>TH</sup> DAY OF MARCH 2017**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 10<sup>TH</sup> DAY OF MARCH 2017**