



REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT MURANG'A  
CRIMINAL CASE NO 10 OF 2016

REPUBLIC.....PROSECUTOR

VERSUS

EZEKIEL KAGI CHEGE.....ACCUSED

**R U L I N G**

1. The Accused in this case, **Ezekiel Kagi Chege**, is charged with **murder** contrary to **section 203 as read with section 204** of the **Penal Code**. It is alleged in the information dated 24/06/2016 that in the night of 15/06/2016 at Marume Village, Kirere Location in Kigumo Sub-County within Murang'a County, he murdered one **Andrew Mwangi Muthoni**. On 13/07/2016 he pleaded not guilty to the charge. His trial is scheduled to commence on 10/04/2017. In the meantime he has applied by **notice of motion dated 09/11/2016** to be admitted to bail. The Republic has not opposed the application.

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

3. I have perused the witness statements and other documents supplied to the Accused and to the court by the prosecution, and I have noted the circumstances in which the alleged offence was committed. I find no compelling reason to deny the Accused bail.

4. I will in the event allow the notice of motion dated 09/11/2016. The Accused shall be admitted to bail upon his own cognizance in the sum of KShs 500,000/00 plus one surety in like sum. It is so ordered.

**DATED AND SIGNED AT MURANG'A THIS 6<sup>TH</sup> DAY OF APRIL 2017**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 7<sup>TH</sup> DAY OF APRIL 2017**