



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

**CRIMINAL CASE NO 30 OF 2012**

**(FORMERLY NYERI HC CR CASE NO 50 OF 2010)**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ISAIAH IRUNGU MWANGI.....ACCUSED**

**RULING**

1. The Accused **Isaiah Irungu Mwangi** is charged with *murder* contrary to **section 203 as read with section 204** of the *Penal Code*. It is alleged in the information dated 22/12/2010 that on 12/12/2010 at Ichagaki Trading Centre within Murang'a South District of Central Province, he murdered one **Peter Muchoki Mburu**.

2. On 14/02/2011 the Accused pleaded not guilty to the charge at the High Court at Nyeri. The case was subsequently transferred to this court. Eventually the trial started. So far only one prosecution witness has testified. The case is scheduled for further hearing on 23/10/2017. In the meantime the Accused has applied by **notice of motion dated 12/04/2017** to be admitted to bail.

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

4. The Republic does not oppose the Accused's release on bail. I have also perused the witness statements and other documents supplied to the Accused and to the court by the prosecution. I do not find any compelling reason to deny the Accused bail.

5. In the circumstances I will allow the application and admit the Accused to bail. He shall be released upon his own cognizance in the sum of KShs 100,000/00 and one surety in like sum. It is so ordered.

**DATED AND SIGNED AT MURANG'A THIS 13<sup>TH</sup> DAY OF JULY 2017**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 14<sup>TH</sup> DAY OF JULY 2017**