

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MURANG'A
CRIMINAL CASE NO 32 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

KELVIN MUGO GACHUHI.....ACCUSED

R U L I N G

1. The Accused herein, **Kelvin Mugo Gachuhi**, is charged with *murder* contrary to **section 203** as read with **section 204** of the *Penal Code*. It is alleged in the **information dated 25/09/2015** that on 28/07/2015 at Maraba Estate in Thika District of Kiambu County, he murdered one **Stephen Maina Irungu**. On 10/10/2015 he pleaded not guilty to the charge. His trial is scheduled to commence on 16/05/2016.
2. The Accused has applied in the meantime by **notice of motion dated 19/10/2015** to be released on bail pending his trial. The Republic does not oppose the application.
3. Bail pending trial is now a constitutional right for all offences that will be denied only for compelling reason; and any condition for such bail must be reasonable. See **Article 149(1) (h)** of the *Constitution of Kenya, 2010*.
4. I have read through the witness statements and other documentary exhibits supplied to the Accused and to the court by the prosecution. I do not find in the circumstances of the commission of the alleged offence any compelling reason to deny the Accused bail. He will be admitted to bail upon his own cognizance in the sum of KShs 100,000/00 plus one surety in like sum. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 3RD DAY OF MARCH 2016

H.P.G. WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 4TH DAY OF MARCH 2016