



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 1 OF 2015**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JAMES MWANGI NZUKI.....ACCUSED**

**RULING**

The accused, James Mwangi Nzuki, has approached this court seeking to be admitted to bail pending the hearing and determination of this case. James two charges of murder contrary to section 203 as read with section 204 of the Penal Code. It is alleged that on 20<sup>th</sup> November 2014 at Kihunguro Village in Ruiru within Kiambu County he murdered Evaline Simaloi Okinda and Esther Njoki Karingu. His Notice of Motion filed in court on 14<sup>th</sup> January 2016 and the supporting affidavit lists the following grounds in support of the application:

- i. That he resides at Kiganjo Estate in Thika and works as a turn boy at Ndaruro in Industrial Area;
- ii. That he is not a flight risk;
- iii. That he is a Kenyan citizen, a first born in a family of three and the sole breadwinner;
- iv. That the offence of murder is bailable unless there are compelling reasons to deny him bond;
- v. That he has been in custody since 30<sup>th</sup> November 2014 and that the trial will commence on 25<sup>th</sup> May 2016 and may be a prolonged one;
- vi. That his mother Lucy Nyambura who resides at Ekalakala Village in Masinga location within Machakos County is ready to be his contact person.

The State, through prosecution counsel from the Office of the Director of Public Prosecutions did not oppose the application.

I have considered the application and the grounds in support of the same. There is no opposition from the prosecution. Bail being a right that is available to all accused persons unless there are compelling reasons not to grant bail, and there being no opposition from the prosecutor who is mandated to advance compelling reasons, I find that I have no reason to deny the accused bail. I hereby allow the application on the following terms:

- a. **The accused shall execute a bond of one million Kenya shillings (Kshs 1,000,000) with one surety of the same amount.**
- b. **Alternatively, the accused shall deposit cash bail of five hundred thousand Kenya shillings (Kshs. 500,000) with the Registrar of this Court.**
- c. **The accused is reminded to attend the court at all times when required to do so without fail.**

Orders shall issue accordingly.

**Dated, signed and delivered this 2<sup>nd</sup> day of March 2016.**

**S. N. MUTUKU**

**JUDGE**