



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO 20 OF 2014**

REPUBLIC.....PROSECUTOR

VERSUS

FRANCIS MUGETHA MWANGI.....ACCUSED

**R U L I N G**

1. The Accused in this case, **Francis Mugetha 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 04/08/2014* that on 01/08/2014 at Kasororo Village, Muchugucha Sub-Location, Mbiri Location within Murang'a County, he murdered **Joyce Wairimu Njuguna**.

2. The Accused's plea was taken on 16/09/2014. His trial is yet to commence. He has applied to be admitted to bail in the meantime (**notice of motion dated 08/09/2015**). The Republic has not filed any papers in response to the application. Learned prosecution counsel, Mr. Njeru, informed the court at the hearing of the application on 26/04/2016 that he sought instructions in regard thereto from the investigating officer of the case vide a letter dated 02/12/2015, and that he had not received any instructions one way or the other. The record of the court also indicates that on 27/10/2015 when the case came up for hearing neither the investigating officer nor any witness was in court; learned prosecution counsel, Miss Keya, informed the court that she had instructed the investigating officer by a letter dated 04/05/2015 to bond witnesses for 27/10/2015 and to be present in court himself.

3. Bail pending trial is now a constitutional right for all criminal offences that will be denied only for compelling reason; and any condition for such bail that the court may impose 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 and to the court by the prosecution, and have noted the circumstances of the alleged offence. The Deceased was the wife of the Accused. At least one of the witnesses for the prosecution is a daughter of the Accused and the Deceased, now aged about 14 years or so. Other witnesses include close relatives of the Deceased and neighbours of the couple. But I hasten to add that there are no allegations that the Accused might interfere with witnesses. I also remind myself that he is innocent of the charge unless and until proven guilty.

5. In the circumstances I find no compelling reason to deny the Accused bail. He shall be released upon his own cognizance in the sum of KShs 500,000/00 and one surety in like sum. It is so ordered.

**DATED AND SIGNED AT MURANG'A ON THIS 12<sup>TH</sup> DAY OF MAY 2016**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 13<sup>TH</sup> DAY OF MAY 2016**