

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO 2 OF 2016

TABBY WATIRI NG'ANG'A.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. The Accused in this case, **Tabby Watiri Ng'ang'a**, is charged with **murder** contrary to **section 203 as read with section 204** of the **Penal Code**. It is alleged in the information dated 07/01/2016 that on 24/12/2015 at Kandara Township in Kandara Sub-County within Murang'a County, she murdered one **Morris Ng'ang'a Ndung'u**. On 08/03/2016 she pleaded not guilty. Her trial is scheduled to commence on 06/12/2016. In the meantime the Accused has applied by **notice of motion dated 05/04/2016** to be admitted to bail pending her trial. The Republic does not oppose the application.

2. Bail pending trial is now a constitutional right for all criminal offences that will be denied only for compelling reason. Any condition for such bail, again by constitutional edict, must be reasonable. For all this 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. I find in them no compelling reason to deny the Accused her constitutional right to bail pending her trial. As already stated, the Republic does not oppose bail.

4. In the circumstances I will admit the Accused to bail. She shall be released upon her own cognizance in the sum of KShs 300,000/00 plus one surety in like sum. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 15TH DAY OF SEPTEMBER 2016

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 16TH DAY OF SEPTEMBER 2016