



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

**CRIMINAL CASE NO 10 OF 2013**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**NATHAN MURIUKI MURURU.....ACCUSED**

**R U L I N G**

1. The Accused herein is charged with **murder** contrary to **section 203** as read with **section 204** of the **Penal Code**. It is alleged in the **information dated 26<sup>th</sup> June 2013** that on 12<sup>th</sup> June 2013 he murdered one **Francis Omondi**. He pleaded not guilty and is awaiting trial. He was arrested on the 14<sup>th</sup> June 2014.

2. The Accused has now applied by **notice of motion dated 13<sup>th</sup> May 2014** under **Article 49(1) (h)** of the **Constitution of Kenya, 2010** to be released on bail pending his trial. That application was served upon the prosecution soon after it was filed in May 2014. There is no replying affidavit filed. At the hearing of the application learned **Prosecution Counsel** urged the court to peruse the copies of witness statements and other evidence the prosecution shall rely upon in the trial to assist in determining if the Accused should be released on bail pending his trial. Copies of the statements and other evidence were also availed to the Accused through his learned counsel. I have indeed perused through all those documents.

3. Under our new Constitution bail pending trial for any offence is now a constitutional right that can be denied only if there are **compelling reasons** to do so. See Article 49(1) (h) aforesaid. The prosecution has not urged any compelling reasons to deny the Accused bail. I have not found any such in the circumstances of the commission of the alleged offence as disclosed by the aforesaid material availed to court and the Accused.

4. I will in the circumstances admit the Accused person to bail pending his trial. He shall be released upon his own recognizance in the sum of KShs 100,000/00 with two sureties in like sum. It is so ordered.

**DATED AND SIGNED AT MURANG'A THIS 4<sup>TH</sup> DAY OF MARCH 2015**

**H. P. G. WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 6<sup>th</sup> DAY OF MARCH 2015**