

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA T MURANG'A

CRIMINAL CASE NO 16 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

EPHANTUS KARANJA WANGARIACCUSED

RULING

1. The Accused **Ephantus Karanja Wangari** is charged with **murder** contrary to **section 203** as read with **section 204** of the *Penal Code*. It is alleged in the information dated 08/04/2015 that on 2nd February 2015 at Gitambaa village in Ruiru within Kiambu County he murdered one **Peter Karanja**. On 30/04/2015 he pleaded not guilty to the charge. His trial is scheduled to start on 09/11/2015. He has in the meantime applied to be admitted to bail pending the trial.
2. The Republic has opposed his release on bail by a replying affidavit filed on 23/06/2015 sworn by one **No 71620 CPC Anlet Kaloki**. The only reasons advanced for opposing bail are that the Accused is likely to abscond his trial due to the gravity of the offence he faces, and that there is a possibility of interference with witnesses.
3. As for gravity of the offence, bail is now a constitutional right for all criminal offences and will be denied only for compelling reason. Conditions for such bail must be reasonable. For all these see **Article 49(1) (h)** of the *Constitution of Kenya, 2010*.
4. Regarding the possibility of interference with witnesses, no shred of evidence of that likelihood has been placed before the court; speculation is not evidence.
5. I find no compelling reason to deny the Accused bail. He shall be admitted to bail upon his own cognizance in the sum of KShs 100,000/00 and one surety in like sum. It is so ordered.

DATED, SIGNED AT MURANG'A THIS 16TH DAY OF JULY 2015

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 17TH DAY OF JULY 2015