



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NYERI**  
**CRIMINAL CASE NO. 4 OF 2014**

REPUBLIC .....PROSECUTOR

VERSUS

NICHOLAS MUTHOMI MANYARA

DENNIS MUTHURI MUGUNA.....ACCUSED

**RULING**

1. The accused persons are charged with the offence of murder to which they have pleaded not guilty.
2. The constitution of Kenya 2010 now provides for the right to bail the accused persons under Article 49(h) unless there is compelling reasons to deny the same bond.
3. It is upon the state to provide these compelling reasons and the prosecution have indicated that there are no compelling reasons to deny the accused bond, it is the duty of the court therefore to assess what is the reasonable bail terms.
4. I must point out that the accused persons are facing the charge of murder where if they are convicted the only available sentence is that of death and therefore the conditions imposed by court must guarantee the attendance of the accused persons at their trial without absconding.
5. I would therefore order that the accused persons be released on bond on the following terms.
  - a. Bond of Kshs. 500,000/- with two sureties of like amount for each of the accused persons*
  - b.They shall not leave their location without the written consent of the local chief which must be filed in court.*
  - c. They shall attend mention before the Deputy Registrar of this court once after every 30 days at a date to be set by the said Deputy Registrar at the time of approving the bond terms.*

Dated, signed and delivered at Nyeri this 16th day of May 2014.

**J. WAKIAGA**

**JUDGE**

16/5/14

Coram: Before Justice J. Wakiaga

Court clerk - Ndungu

Mr. Njuguna Kimani for the accused.

Accused person present.

Court: Ruling read in open court in the presence of the above named. The Deputy Registrar to give mention date when approving bond terms.

**J. WAKIAGA**

**JUDGE**

**16/5/2014**