



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CRIMINAL CASE No. 50 OF 2013**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JUDITH KANANA MUGA.....1<sup>ST</sup> ACCUSED**

**DENIS MUTUMA.....2<sup>ND</sup> ACCUSED**

**GLADYS KARIANGI.....3<sup>RD</sup> ACCUSED**

**RULING**

1. The accused persons **JUDITH KANANA MUGA**, the 1<sup>st</sup> accused, **DENNIS MUTUMA**, the 2<sup>nd</sup> accused and **GLADYS KARANGI** the 3<sup>rd</sup> accused all face one count of murder contrary to section 203 of the Penal Code. The offence is alleged to have been committed on 24<sup>th</sup> May, 2013.
2. The accused persons have applied to be released on bail pending their trial. This is a second such application. The first application was made orally on 12<sup>th</sup> July, 2013. During the hearing of that first application, the Prosecution Counsel Mr. Moses Mungai left the matter to the court to decide.
3. There were Pre-bail Reports prepared in the probation on each of the accused. In those Reports, the probation officer stated that the community had mixed reaction to the accused being released on bail. The family of the deceased was said to be bitter and yet to come to terms with their loss.
4. The court declined to grant bail. In its ruling of 25<sup>th</sup> July, 2013, I ruled that the incident was recent and had not given the family of the deceased time to come to terms with their loss and that the likelihood of retaliatory attack or revenge could not be ruled out.
5. It has been almost a year since that ruling. The accused have been in custody all these while. By now, with passage of time, the deceased family should have recovered to some degree from their immense loss.
6. In the result I will grant bail to the accused persons on the following terms:
  1. **Each accused may be released on bail n the sum of Kshs. 1 million with sureties of like sum.**
  2. **In the alternative each accused may deposit cash bail in the sum of Kshs. 1 million.**

**DATED AND DELIVERED AT MERU THIS 17<sup>TH</sup> JULY, 2014.**

**LESIIT, J,**

**JUDGE**

