



**Republic v Muthoni (Criminal Case 2504 of 2024)
[2025] KEMC 246 (KLR) (22 May 2025) (Ruling)**

Neutral citation: [2025] KEMC 246 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CRIMINAL CASE 2504 OF 2024
PA NDEGE, SPM
MAY 22, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

NAHASHON GATHOGO MUTHONI ACCUSED

RULING

1. The accused person herein, Nahashon Gathogo Muthoni, is charged with the offence of breaking into a building and committing a felony contrary to section 307 of the penal code. The particulars are that on the 30th day of October 2024 at 2.00 a.m at Automobile Warehousing Limited in Nakuru East Sub County within Nakuru County, jointly with others not before court, broke and entered Automobile Warehousing Limited of Prakash Shah and committed therein a felony namely stealing of HP Omen laptop serial No.5cd1047jsh valued ksh.188,825, one Apple Ipad Pro serial no yjy26mipxm valued ksh.140,309, one Apple phone make IMac valued ksh.220,000, 2steel power Saw valued ksh.145,102, Sthil Hedge Trimmer valued ksh.30,949, one Gimabal Stabilizer valued ksh.25,000, one Diagnostic equipment valued at ksh.250,000 one iPhone 13-128GB valued ksh.122,500 all to the total value ksh.1,122,685.
2. The accused applied to for a bail and bond review.
3. I am guided by the Bail and Bond guidelines and Article 49(1) (h) of the *Constitution* of Kenya, 2010 which provides that an arrested person has the right to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.
4. The Pre-Bail report to the court reveals that the accused person has a fixed place of residence as he was residing in a rental house at Soi shopping Centre in Uasin Gishu County. Moreover, the accused family has a quarter- acre parcel of land that it’s transfer is yet to be finalized in Tanyai village in Nyeri County.



This report also indicates that the accused comes from a financially challenged family and are not in a position to raise the bail and bond set by the court.

5. The accused elder sister, Eunice has come forward to vouch for his release on bond as she describes him as a good and supportive person who has consistently played a positive role in the family despite their difficult economic circumstances.
6. In reviewing the bail and bond, this court must weigh the accused's right to liberty against the need to ensure her attendance at trial. The accused is facing a non-violent offence with a maximum penalty of five years imprisonment. The court therefore finds no reason to deny her application.
7. It is then, guided by the above reasoning, the accused to be admitted to:
 - a. Cash bail in the sum of Kshs. 150,000 or a bond of Kshs. 500,000 with a surety of similar amount.
 - b. Shall report to the Officer Commanding station (OCS) Uasin Gishu County, once every two weeks.
 - c. Failure to comply with these conditions shall result in revocation of bail and bond.

DATED, SIGNED, AND DELIVERED THIS 22TH DAY OF MAY, 2025

HON ALOYCE PETER NDEGE

SENIOR PRINCIPAL MAGISTRATE

