



Republic v Chege (Criminal Case E166 of 2025) [2025] KEMC 93 (KLR) (20 May 2025) (Ruling)

Neutral citation: [2025] KEMC 93 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CRIMINAL CASE E166 OF 2025
PA NDEGE, SPM
MAY 20, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

LEAH WANJIRU CHEGE ACCUSED

RULING

1. The accused, Leah Wanjiru Chege, is charged with the offence of obtaining money by false pretences contrary to section 313 of the *Penal Code*. The particulars are that on the 20th day of February 2024 at around 1700hours at Freehold estate in Nakuru East Subcounty within Nakuru County with intent to defraud obtained Kshs.200,000/= from Susan Githaiga Nduta by falsely pretending to be in a position to secure her employment at the Ministry of Immigration Nairobi, a fact she knows to be false. Accused applied to be released on cash bail pending trial.
2. 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.
3. The Pre- Bail Report presented to the court reveals that the accused does not have a fixed place of residence, having been evicted from her rental premises due to having 3 months' rent arrears. This means, if she is released, she might end up travelling to her parents' home in Muranga County. Her husband and son left her the very day she was arrested and their whereabouts are not known. The report also indicates that the accused comes from a financially challenged family and are not in a position to raise any cash bail for purposes of bailing her.
4. In setting bail 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 3years imprisonment. The court therefore finds no reasons to deny her bail but is mindful of her unstable



living conditions which may impact her ability to attend court unless appropriate reporting conditions are imposed

5. It is then, guided by the above reasoning, the accused to be admitted to:
- a. Cash bail in the sum of Kshs. 50,000/=
 - b. She shall report to the Officer commanding Station (ocs), Muranga County, once every 2 weeks.
 - c. Prior to release, she shall provide the court and police with a verifiable contact person and location of where she can be reached.
 - d. Failure to comply with these conditions shall result in revocation of bail.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 20TH DAY OF MAY 2025

ALOYCE- PETER -NDEGE

SENIOR PRINCIPAL MAGISTRATE

