



REPUBLIC OF KENYA



**Republic v Kamau (Criminal Case E318 of 2025)  
[2025] KEMC 241 (KLR) (30 September 2025) (Ruling)**

Neutral citation: [2025] KEMC 241 (KLR)

**REPUBLIC OF KENYA  
IN THE NAKURU LAW COURTS  
CRIMINAL CASE E318 OF 2025  
PA NDEGE, SPM  
SEPTEMBER 30, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**PHILIP NJOROGE KAMAU ..... ACCUSED**

**RULING**

1. The accused, Philip Njoroge Kamau, aged 32 years, is charged with the offence of causing grievous harm contrary to section 234 of the Penal Code. He pleaded not guilty on 19th June 2025. At first appearance, the accused was admitted to bond of Kshs 200,000 with surety of a similar amount. He has now applied for review of the bail terms on the ground that he is a casual construction worker of modest means, and that the initial terms are excessive and unattainable, thereby defeating the constitutional right to bail.
2. Article 49(1)(h) of *the Constitution* provides that an arrested person is entitled to bail on reasonable conditions unless there exist compelling reasons to the contrary. The prosecution has not raised any compelling reason to warrant denial of bail.
3. The court has considered the bail report dated 19th June 2025 prepared by the Probation Officer, Nakuru. The report confirms that the accused hails from Nakuru East Sub-County, comes from a humble background, and is married though without children. He depends on casual construction work for income.
4. It is further noted that the complainant has no objection to the accused being released on bail and confirmed that reconciliation between the two families is underway. The accused is also well-known within his community, has no criminal record, and has never before benefited from bail or bond.
5. In the circumstances, this court finds that the bond earlier set at Kshs 200,000 is excessive considering the accused's social and economic status. In *Republic v Danson Mgunya & Another* [2010] eKLR,



the High Court underscored that bail must be reasonable and attainable, and should not be set in such terms as to amount to a denial of liberty.

6. Guided by *the Constitution*, the bail report, and the absence of objection from the complainant, I find it just to review the bail terms as follows: -

- a. The accused may be released upon depositing cash bail of Kshs 30,000.
- b. The accused shall attend court punctually for all mentions and hearings until the case is concluded.
- c. The accused shall report to the OCS Mwariki Police Station once every two weeks.
- d. The accused shall not interfere with witnesses or otherwise obstruct the course of justice.
- e. Non-compliance with these conditions shall result in cancellation of bail.

It is so ordered.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS \_30<sup>TH</sup> DAY OF SEPTEMBER, 2025.**

.....

**HON. (A.P NDEGE) SPM**

Chief Magistrate's Court, Nakuru

In the presence of Janet, court interpreter, Macharia for prosecutions and the accused.

