



REPUBLIC OF KENYA



KENYA LAW
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**Wekesa v Republic (Criminal Case E012 of 2025)
[2025] KEHC 18016 (KLR) (28 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 18016 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E012 OF 2025**

A MSHILA, J

NOVEMBER 28, 2025

BETWEEN

OSCAR WEKESA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code; he is accused of having murdered DENNIS MACHARIA on diverse dates between 25th May, 2025 and 16th June, 2025.
2. An application is before this court whereby the accused through his Learned Counsel Mr. Wambilyanga has applied to be released on bail pending the hearing of the murder case;
3. This court directed the Probation Office to prepare a Pre-Bail Report; the same was prepared and filed in court on 28th October, 2025; the Area Chief from where the accused hails was interviewed and he verified that the offence was not committed within the locality and therefore there was no hostility between the accused and the community; the report states that the family is willing to assist the accused secure bond pending the hearing of the case; this court is satisfied that the report is favorable;
4. Having given due consideration to the application before this court which is unopposed; and having noted the contents of the Pre Bail Report this court states that with the advent of the new Constitution 2010 times have indeed changed and that although the accused has been charged with a serious offence of murder which carries a mandatory death sentence; the offence is bailable;
5. The above notwithstanding the right to bail has limitations and the same may be denied if compelling reasons are found; the Pre Bail Report is found not to contain any compelling reasons to support the accused's continued detention or denial of bail; nor has the State provided anything to support the fact that there is a likelihood that if released the accused may interfere with investigations and witnesses.



6. For the forgoing reason this court is satisfied that there exists no compelling reasons to support the accused's continued detention and denial of bail;

Findings and Determination

7. The application for bail is found to be merited and is hereby allowed;
8. The applicant is hereby admitted to bail pending the hearing and determination of this case on the following terms and conditions;
 - i. Bail is set at Kshs.500,000/ - with one (1) surety of a similar amount;
 - ii. The applicant to ensure that he is in attendance at all the mentions and hearing dates; and to observe timeliness;
 - iii. The applicant is cautioned not to interfere with any prosecution witnesses;
 - iv. If found in breach of any of the terms and conditions of bail the same shall be discharged.
 - v. Hearing on 17th March, 2026

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 28TH DAY OF NOVEMBER, 2025.

A. MSHILA

JUDGE

In the presence of;

Sanja – Court Assistant

Nyamesa – for the State

Okenyo h/b for Wambilyanga - For the Accused

Accused – present in court- in custody

Language - Kiswahili

