



**Mwangi v Republic (Criminal Case E008 of 2025)
[2025] KEHC 19016 (KLR) (18 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 19016 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE E008 OF 2025
TW OUYA, J
DECEMBER 18, 2025**

BETWEEN

OWEN KANG'ETHE MWANGI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The accused was arraigned before this court with a charge of murder contrary to section 203 as read with section 204 of the Penal Code. It is alleged that on the night of 26th January 2024, in Murang'a East sub-county, within Murang'a county, the accused murdered Abigael Njeri.
2. The accused person took plea on 15th July 2025 and denied the charges. Thereafter his learned counsel made an application for his admission to bail or bond pending the hearing and determination of his case.
3. Vide Notice of Motion dated 16th July, 2025, the applicant through his learned counsel Wangui Wangai made an application to be admitted to bail or bond on favourable terms pending the hearing and determination of his case.
4. Counsel for the State, Mr. Mwangi did not oppose the Application but prayed for stringent bail terms.
5. That said, under Article 49 (1) (h) of *the Constitution*, an accused person has the right to be admitted to bail or bond on reasonable terms pending his trial but the said right is not absolute, and can be denied where there are compelling reasons not to release the accused.
6. The primary consideration in an application for bail, is whether the accused will attend his trial for the charges facing him should he be released on bail or bond. This position was reiterated in the case of Kelly Kasses Bunjika versus Republic (2017) eKLR; as follows: "It is clear that the primary consideration for bail is whether the accused will attend his trial for the charges facing him, and it must,



therefore, be a compelling reason if it is demonstrated that “the accused person is likely to fail to attend court proceedings”. The question in this matter becomes whether there is, on a balance of probabilities evidence that the accused is likely to abscond.”

7. There being no compelling reasons to deny the accused person bail; the accused shall be released on the following bond terms:
- i. Bond of Kenya Shillings five hundred thousand (Kshs. 500,000) with one surety of a similar amount;
 - ii. In the alternative, cash bail of Kenya Shillings Two Hundred Thousand (Kshs .200,000) with one surety of similar amount;
 - iii. Upon release, the accused shall report to his local assistant chief immediately and shall be reporting to the same once every last Thursday of the month, and shall so report until the final determination of this case. The Assistant chief shall file a report thereon tot the Deputy Registrar of this court at the beginning of each subsequent month.
 - iv. In default of any of the terms above, the bond shall stand cancelled without any further court order.

DATED, SIGNED AND DELIVERED PHYSICALLY THIS 18TH DAY OF DECEMBER, 2025.

HON. T. W. OUYA

JUDGE

For Applicant.....Wangui Wangai

For Respondent.....Muindi for State

Court Assistant.....Brian

