



REPUBLIC OF KENYA



**KENYA LAW**  
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**Ndirangu v Republic (Criminal Case E014 of 2024)  
[2025] KEHC 18734 (KLR) (18 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18734 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MURANG'A  
CRIMINAL CASE E014 OF 2024  
TW OUYA, J  
DECEMBER 18, 2025**

**BETWEEN**

**BETH WAITHERA NDIRANGU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The accused, Beth Waithera Ndirangu, was charged with the offence of Murder contrary to section 203 as read with section 204 of the Penal Code. The charges were that on 7<sup>th</sup> June, 2024, at Iregi village, Githiga sub-location, Githiga location in Kangema sub-county, within Murang'a county, the accused murdered Maxwell Mbugua Waithera.
2. She was arraigned before this court on 23<sup>rd</sup> October, 2024, where she denied the charges. On 16<sup>th</sup> December, 2025, Counsel Mr. Mwangi Wanjiku, learned counsel for the accused person, made an oral application for the accused to be released on bail or bond on reasonable terms, pending her trial, on grounds that the prosecution has not advanced compelling reasons that would warrant the denial of bail or bond to the accused.
3. The application for bail was not opposed by the State. However, Mr. Mwangi, learned prosecution counsel urged this court to impose stringent bond terms should this court release the accused on bail or bond.
4. It is settled, that under Article 49 (1) (h) of *the Constitution* of Kenya, an accused person has a right to be admitted to bail or bond on reasonable conditions pending a charge or trial unless there are compelling reasons not to be released.
5. It is clear from the above provision of *the Constitution*, that the right of an accused person to bail or bond is not absolute, considering that the said right can be curtailed, where there exist compelling reasons that warrant the denial of bail to such an accused person.



6. The term compelling reasons was defined in the case of Michael Juma Oyamo & Another versus Republic (2019) eKLR; where the Court of Appeal quoted with approval the high court decision in R versus Joktan Malende and 3 Others Criminal Case No. 55 of 2009, in which the said term was defined as follows: “.....The phrase compelling reasons would denote reasons that are forceful and convincing as to make the court feel very strongly that the accused should not be released on bond. Bail should not therefore be denied on flimsy grounds but on real and cogent grounds that meet the high standards set by *the Constitution*.”
7. The same principles were enunciated in Republic v Danford Kabage Mwangi (2016) eKLR, where Mativo, J, (as he then was), discussed some of the factors that the court should consider, while deciding on whether or not to release an accused person to bail or bond pending trial stated that:

“When it comes to the issue of whether to grant or refuse bail pending trial of an accused by the trial court, the law has set some criteria which the trial court shall consider in the exercise of its judicial discretion to arrive at a decision. These criteria have been well-articulated in several court decisions. Such criteria include, among others, the following: -

  - i. The nature of the charges.
  - ii. The strength of the evidence
  - iii. The gravity of the punishment in the event of conviction.
  - iv. The previous criminal record of the accused, if any.
  - v. The probability that the accused may not surrender himself for trial.
  - vi. The likelihood of the accused interfering with witnesses or may suppress any evidence that may incriminate him.
  - vii. The likelihood of further charges being brought against the accused.
  - viii. Detention for the protection of the accused.”
8. In the instant case, whereas the prosecution is not opposed to the admission of the accused person to bail or bond pending her trial, I note that there exists a compelling reason that would warrant the denial of bail or bond to the accused person. For instance, the pre bail report indicates that a majority of the key prosecution witnesses in this case are the relatives of the accused person and that one of the key prosecution witnesses is actually her mother. Should the accused be released by this court on bail or bond, it is clear that she will go back to her parent’s house and reside there. She has not demonstrated that she has an alternative place of abode away from the locus in quo, where a majority of the key prosecution witnesses reside.
9. It is therefore evident that the accused is likely to interfere with the prosecution witnesses at this juncture. In Republic v Dwight Sagaray & 4 Others (2013) eKLR; the court stated that:

“.....interference with prosecution witnesses is in my view a compelling reason not to admit an accused person to bail as such interference goes to the root of the trial and is an affront to the administration of justice. For the prosecution to succeed in persuading the court on this criteria however, it must place material before the court which demonstrate actual or perceived interference. It must show the court for example the existence of a threat or



threats to witnesses; direct or indirect incriminating communication between the accused and witnesses; close familial relationship between the accused and witnesses among others.”

10. Given that there is close familial relationship between the accused person and a majority of the key prosecution witnesses, I am of the considered view that the accused person is likely to interfere with the said witnesses, thus jeopardising the prosecution’s case.
11. Although the accused may not interfere with the said witnesses by intimidating or threatening them not to testify in court, her presence, in my view, is likely to influence the said witnesses not to testify at all or to testify in such a way that may jeopardise the prosecution’s case.
12. Based the foregoing, I find that there exists a compelling reason, warranting the denial of bail or bond to the accused person. The accused can however make a fresh application for bail should she find an alternative place of abode away from the locus in quo or subsequent to the testimony of the key witnesses.

**DATED, SIGNED AND DELIVERED PHYSICALLY THIS 18<sup>TH</sup> DAY OF DECEMBER, 2025.**

**HON. T. W. OUYA**

**JUDGE**

For Applicant.....Mwangi Wanjiku

For Respondent.....Muindi

court assistant.....Brian

