

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MURANG'A
CRIMINAL CASE NO. E024 OF 2025

**JACOB MUNORU IRUNGU alias MARTIN IRUNGU WAMBUI
alias JUSTUS MWANGI IRUNGU.....
APPLICANT**

**BONIFACE MUNDANYI ANDANYI alias MLUHYA alias
MUDAVIDI
.....APPLICANT**

VS

**REPUBLIC
RESPONDENT**

RULING

1. The accused, JACOB MUNORU IRUNGU alias MARTIN IRUNGU WAMBUI alias JUSTUS MWANGI IRUNGU and BONIFACE MUNDANYI ANDANYI alias MLUHYA alias MUDAVIDI, are charged with the offence of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. It is alleged that on 23rd September 2025 at Njiiris Village, Mairi sub-Location, Kigumo Sub-county within Murang'a County jointly murdered Hannah Wanjiku Kiiru.
2. On 28th October 2025 the accused were arraigned before Court and denied the charge. A plea of NOT GUILTY was entered. Accused's counsel was granted leave to file a formal Application for Bail/Bond within 3 days.
3. On 13th November 2025 the accused filed an Application for Bail/Bond through their counsel seeking to be admitted to bail

pending trial on such terms as the Court will find suitable. In their Supporting Affidavit of even date, both accused persons deposed that there are no compelling reasons for remanding them in custody pending trial. In their Supporting Affidavits, they deposed that their family members are not opposed to them being granted favourable bail/bond terms and that they are ready to abide by the bail/bond terms issued by the Court.

4. The Court directed that a Bail Information Assessment Report be submitted and same was filed on 2nd March 2026 by Geoffrey Mburu, the Assistant Director, Department of Probation and Aftercare Service Murang'a County.
5. On 3rd of March 2026, the office of the Director of Public Prosecutions (ODPP) informed the Court that it had filed an Affidavit in opposition of the application. The prosecution raised issues to the effect that the 1st accused is a flight risk based on his having several alias names for which no matching finger prints could be traced. He was also found not to have a fixed abode within the jurisdiction of the court and that his release will not guarantee his court attendance.
6. It was further averred that the 2nd Accused does not have affixed abode within the jurisdiction of the court. That the circumstances of the offence were gruesome and their security is not guaranteed if they are released on bond as the society around considers them to be dangerous persons. Based on the above, bail was vehemently opposed.
7. This court had the opportunity of the pre-bail reports on each of the Applicants both dated 2nd March 2026. The 1st Applicant, **Jacob Munoru Irungu alias Martin Irungu Wambui alias Justus Mwangi Irungu** was found to be 37 years old and portrayed to be of an unstable background with a history of drug abuse. From the report, there is apprehension that he may not adhere to the terms of bond if

granted being that he has no fixed abode and no stable family background. He was indifferent towards the offence during the interview. He was found unsuitable for bond.

8. As for the 2nd Applicant, **Boniface Mundanyi alias Mudavadi alias Mluhya**, he is 41 years old with a history of dropping out of school and engaging in odd jobs including tea picking. He was married twice but separated after three years and has two children. He smokes cigarettes but denies any engagement in drugs. He acknowledges the seriousness of the offence and is remorseful. The report recommends him for bond but it states that he has no fixed abode.
9. Having considered the application, the affidavit sworn in support and in opposition by the Respondent and the pre-Bail reports filed on 2nd March 2026, the Court adopts the following view of the matter.
10. The right to bail or bond pending trial is a constitutional right of every arrested or accused person which is protected in **Article 49 (1) (h)** of the Constitution of Kenya which provides as follows;

“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.”
11. From the above provision, it is clear that the right to bail or bond is not absolute and the same can be denied if the prosecution established compelling reasons warranting denial of bail or bond.
12. The phrase compelling reasons was defined by the Court of Appeal in the case of **Michael Juma Oyamo & another Versus Republic (2019) eKLR** in which the court cited with

approval the High Court decision in **Republic versus Joktan Malende and 3 Others Criminal Case No. 55 of 2009** wherein the phrase compelling reasons 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.”

13. The court takes into account the serious nature and circumstances of the offence. As stated in the Respondent's Affidavit in opposition, it is alleged that the accused and the deceased were working together as farm hands in the farm of one *Mary Wambui Maina* as tea pickers and that the deceased was killed and her body packed in a sack and given to an unsuspecting taxi driver to deliver as a parcel. That the circumstances were gruesome and are still fresh in the minds of the locals in the area.
14. I have also considered the entirety of the Application together with the Respondent's Affidavit in opposition and the pre-bail Report. I am satisfied that compelling reasons have been raised before this court based on which I proceed to make a decision that the Applicants are denied bond at the moment.

15. I hereby make the following orders:

i. JACOB MUNORU IRUNGU Alias MARTIN IRUNGU WAMBUI ALIAS JUSTUS MWANGI IRUNGI:

Based on the circumstances of the case, the compelling reasons raised by the Respondent

and the Pre-Sentence report by the Probation Officer dated 2nd March 2025, I find that the Accused is not suitable for bail at the moment. His Application for bond/bail is hereby denied.

ii. BONIFASCE MUNDANYI alias MLUYA alias MUDAVADI:

Taking into account the circumstances, the compelling reasons raised by the Respondent and the Pre-Sentence report by the Probation Officer dated 2nd March 2025, I find that the Accused is not suitable for bail at the moment. His Application for bail is hereby denied.

Dated, Signed and Delivered Virtually on this 14th day of May 2026.

**HON. T. W. OUYA, OGW
JUDGE**

In the presence of:

Ms. Maina for both accused

Accused present at Murang'a Main Prison

Ms. Ongaki for State

Hamza/Kevin - Court Assistants