



**Republic v Njau & 3 others (Criminal Case E001 of 2024)  
[2025] KEHC 5148 (KLR) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5148 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL CASE E001 OF 2024  
DR KAVEDZA, J  
APRIL 30, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**MICHAEL MBUGUA NJAU ..... 1<sup>ST</sup> ACCUSED**

**CHRISTOPHER NJAU MBUGUA ..... 2<sup>ND</sup> ACCUSED**

**CHARLES KINYANJUI MWANGI ..... 3<sup>RD</sup> ACCUSED**

**ROBERT KIMOTHO GICHUKI ALIAS BOB ..... 4<sup>TH</sup> ACCUSED**

**RULING**

1. The accused persons have been charged with the offence of murder contrary to section 203 as read with 204 (Cap 63) Laws of Kenya. The particulars of the offence are that on the 23<sup>rd</sup> day of December 2023, at Uthiru Centre in Dagoretti Sub-County, within Nairobi County, George Njui Mwaura. The accused persons were denied bail by this court on 8<sup>th</sup> May 2024.
2. The reason for the denial of bail was the likely interference and intimidation of witnesses owing to the circumstances under which the offence was committed. At the time the court directed that key prosecution witnesses to testify before an application for bond review could be made.
3. On 26<sup>th</sup> March 2025, counsel on record for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> accused made another application for bail. He contended that material witnesses had since testified and the preconditions set by the court had been fulfilled. He urged the court to grant reasonable bail terms.



4. The issue is whether the applicant has established the existence of changed circumstances to warrant the grant of bail pending trial. In *Republic v Francis Mania Wairimu* [2020] eKLR, WakingJ held that:

“In an application for review for denial of bail, the applicant is under a duty to convince the court that there had been change of circumstances from the time when he was denied bail to warrant the court reviewing its earlier orders”.

5. Although the burden to demonstrate changed circumstances may rest with the accused, the right to bail remains unless compelling reasons exist for its denial. Since the initial refusal in May 2024, key prosecution witnesses have testified, eliminating the risk of interference. The original compelling reasons no longer subsist, and the court is satisfied that the applicants have shown a material change in circumstances. Furthermore, the probation reports on record are favourable. However, it is noted that the 4<sup>th</sup> accused was at large for a considerable period. Upon consideration of all factors, the application is allowed on the following terms:

- i. The 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> accused persons are each admitted to a bond of Kshs 500,000 with a surety of a similar amount.
- ii. In the alternative to (I) above, the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> accused persons are each admitted to a cash bail of Kshs 100,000 with one contact person.
- iii. The 4<sup>th</sup> accused is admitted to a bond of Kshs 2,000,000 with one surety of a similar amount.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 30<sup>TH</sup> DAY OF APRIL 2025.**

**D. KAVEDZA**

**JUDGE**

In the presence of:

Martina & Omari for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> accused

No appearance for the 4<sup>th</sup> accused

Ms. Timoi for the State

Tonny Court Assistant.

