



REPUBLIC OF KENYA



KENYA LAW
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**Kamande v Republic (Criminal Case E007 of 2025)
[2025] KEHC 11460 (KLR) (31 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11460 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE E007 OF 2025**

TW OUYA, J

JULY 31, 2025

BETWEEN

REUBEN WANYOIKE KAMANDE APPLICANT

AND

REPUBLIC PROSECUTION

RULING

1. The accused, Reuben Wanyoike Kamande is charged with the offence of Murder contrary to Section 203 as read with Section 204 of the [Penal Code](#). It is alleged that on the 15th March 2025 at Gathuri Village, Sabasaba Location within Murang'a County, the accused murdered Nimrod Muiruri alias Mercenary.
2. The records of this court reveal that the accused was arraigned before Murang'a Lower Court on 29th April 2025 when he was remanded back in custody awaiting a mental assessment report. He finally took plea on 1st July 2025 upon being declared fit to stand trial. Upon taking plea, he denied the charges and a plea of Not Guilty was entered.
3. The accused's counsel, Matu, has filed an application for bail dated 30th June 2025 while relying on a pre-bail report dated 16th July 2025 which was already filed in court.
4. No submissions were made by counsel for either of the parties as counsel for the respondent stated that the state was not opposed to the Application for bail.
5. I have carefully considered the application as to whether the applicant should be admitted to bail. I have also duly considered the contents of the pre-bail report filed before this court on 16th July 2025. Having done so, I find that the report speaks favorably on the applicant's admission to bail and recommends the same.



6. It is trite that under Article 49(1)(h) of the *Constitution* of Kenya, 2010, an accused 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. Article 49(1)(h) of the *Constitution* stipulates as follows:

“an accused 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.”

7. From the above provision of the *Constitution*, it is evident that whereas an accused person has a constitutional right to be released on bail or bond pending trial, the said right is not absolute and may be curtailed where the prosecution demonstrates the existence of compelling reasons warranting denial of that right.

8. Flowing from the above, the court hereby proceeds to make the following order: The accused/ Applicant is released on bond of Kenya shillings one million (Ksh 1,000,000) with one (1) surety of similar amount.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 31ST JULY, 2025.

HON. T. W. OUYA

JUDGE

For Applicant.....Mbuthia

For Respondent.....P Mwangi

Court Assistant.....Brian

