



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 66 OF 2014

LESIT, J.

REPUBLIC.....PROSECUTOR

-VERSUS -

CHARLES KARANJA WANJIRU.....ACCUSED

RULING

1. The accused person, **CHARLES KARANJA WANJIRU** filed a Notice of Motion application dated 14th November 2014.
2. The accused seeks bail pending the hearing and determination of his case. In the alternative he asks the court to make any other order it deems fit in the circumstances.
3. The application is premised on the following grounds namely:
 1. That the Applicant was arrested on 19th July, 2014 and charged with the offence of murder and the plea taken on 4th August 2014.
 2. That the trial is scheduled for 23rd and 24th September 2015 hence it's apparent the matter cannot be heard without undue delay.
 3. That the applicant voluntarily presented himself at Kikuyu Police Station and informed the deceased family immediately after this incident happened.
 4. That the applicant has qualified constitutional right to be released on bond/bail as the offence of murder is bailable under the Constitution of Kenya 2010.
 5. That applicant is a Kenyan citizen married with all his family and relatives based in Kenya and has no passport and has no intention of leaving Kenya and or the Honourable court's jurisdiction.
 6. That the applicant is the sole bread winner of his family.
 7. The applicant is willing to abide by any terms imposed by the court to ensure he attends court whenever required.
4. The accused person has sworn a supporting affidavit in support of his application which I have considered.
5. The State has filed a replying affidavit which is sworn by the Investigating Officer Ag. Inspector Eganza Deny dated 15th December 2014. In that affidavit the officer deposes that the risk of intimidation

of the prosecution witnesses by the accused in this case is real since the accused person is a neighbour to the prosecution witnesses. The accused if released may get into contact with them.

6. The investigating Officer also deposes that one of the witnesses fears that if accused is released on bail, the accused may intimidate him due to a land dispute between them which is ongoing in the land court. The Investigating Officer deposed that the accused is a flight risk since he is being tried for serious offence.

7. I have considered the submissions by Mr. Ongeru for the accused and Mr. Konga for the State.

8. I have considered the application and the circumstances of this case. I find that the prosecution has not demonstrated that accused is a flight risk or that he may interfere with witnesses.

9. I will grant the bail application in the following terms:

- a. Accused may be released on a personal bond of KShs.1 million with two sureties of like sum.
- b. In the alternative accused may deposit cash bail of KShs.500,000/=.

DATED AT NAIROBI THIS 23RD DAY OF DECEMBER, 2014.

LESIT, J.

JUDGE



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