



**Prosecutor v Dallas (Criminal Case E002 of 2021)
[2023] KEHC 296 (KLR) (Crim) (26 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 296 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL CASE E002 OF 2021
DO OGEMBO, J
JANUARY 26, 2023**

BETWEEN

PROSECUTOR REPUBLIC

AND

LOICE ACHIENG DALLAS ACCUSED

RULING

1. The applicant Loise Achieng Dallashas filed an application herein dated December 3, 2022. The application seeks that the applicant be released on bail. It was submitted that the applicant would not interfere with the prosecution witnesses. That PW1 has since stated that he lives with the witness in Busia. That being a senior officer in government, it is only fair that she be released on bail to go and retire.
2. The prosecution has opposed this application. That bail was denied to first have the minor testify. That the minor is yet to testify. And that the court already found that the applicant is a flight risk, which still remains the case. That there is therefore no change of circumstances to warrant any revision.
3. I have considered this application and the submissions made for and against it. This application is in effect, a revision application seeking a revision of the orders of the court issued on March 29, 2022. In the said ruling of the court, the applicant's application for bail was dismissed on grounds that some of the prosecution witnesses in fact stay with the applicant and it would be inappropriate to release the accused to go back and stay with the same witnesses. From the evidence of PW1 it is clear that the minor witnesses no longer stay in the house of the accused, but rather with PW1 in Busia. This is a fundamental change in the circumstances of this case in so far as the real fear of interference with the witnesses by the accused has totally diminished.



4. It is for this reason that I find merit in this application dated December 3, 2022. I allow the same and order that the applicant may be released on bond on the following terms;-

- i) A bond of Kshs 2 million with 1 surety of a similar amount.
- ii) In the alternative, a cash bail of Kshs 200,000/=
- iii) If released on bail, the applicant is ordered never to contact and or interfere with any prosecution witnesses, either directly or indirectly till this case is determined.
- iv) The accused is ordered, it on bond, to attend court at all times as shall be ordered from time to time till this case is determined.

It is so ordered.

HON. D. O. OGEMBO

JUDGE

26TH JANUARY 2023.

Court:

Ruling read out in open court in the presence of the accuseds, Mr. Ndiso advocate for accused and Ms. Dela for the state.

D. O. OGEMBO

JUDGE

26TH JANUARY 2023.

Mr. Ndiso:

Accused 2 is unwell. We ask that she be taken to hospital.

Ms. Dela:

We do not object.

Court:

Accused 2 to be treated.

