



**Republic v Ballah (Criminal Case E047 of 2020)  
[2023] KEHC 330 (KLR) (Crim) (26 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 330 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL CASE E047 OF 2020  
DO OGEMBO, J  
JANUARY 26, 2023**

**BETWEEN**

**REPUBLIC ..... ACCUSED**

**AND**

**ZACHEUS WASONGA BALLAH ..... ACCUSED**

**RULING**

1. The accused Zacheus Wasonga Ballah, has filed this application dated November 16, 2022 seeking revision of the terms of bail as set on November 2, 2021. Applicant has pleaded to be placed on a bond of Ksh.100,000/= or cashbail of 50,000/=. He has deponed that he has been unable to raise the terms set. The prosecution left the court to determine this application.
2. I have considered the application of the applicant. There is no doubt that the accused faces a serious charge of murder. Considering the circumstances of the case, the court on November 2, 2021 placed the accused on a bond of Kshs. 2 million with an alternative of Ksh. 300,000/= in cash bail. This was despite the strong objections raised by the Respondent.
3. Article 49(i)(h) guarantees the right to bail on reasonable terms. The accused has been in custody since December 15, 2020, and his case is yet to commence. The terms of bond as fixed is a matter of discretion of the court depending on circumstances of each case. Exercising my discretion. I allow this application for revision dated 16.11.2022. The applicant may be released on a revised bond of Kshs. 1 million with 1 surety of a similar amount or an alternative of Kshs.200,000/= in cash bail. The other terms of bond as earlier set shall remain in force. Orders accordingly.

**RULING READ OUT IN OPEN COURT IN THE PRESENCE OF THE ACCUSED, MR. PATRICK NZOMO FOR ACCUSED AND MS. DELA FOR THE STATE.**

**D. O. OGEMBO**



**JUDGE**

**26<sup>TH</sup> JANUARY, 2023**

