



**Awiti v Republic (Miscellaneous Criminal Application
E037 of 2022) [2022] KEHC 402 (KLR) (22 April 2022) (Ruling)**

Neutral citation: [2022] KEHC 402 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E037 OF 2022**

**RE ABURILI, J
APRIL 22, 2022**

BETWEEN

GEORGE ALUOCH AWITI ALIAS NAJIB MOHAMMED APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application arising from the ruling on bond in the Chief
Magistrate's Court at Siaya in Criminal Case No. E030 of 2022)*

RULING

1. I have considered the application for revision of bond terms for the accused George Aluoch Awiti alias Abdul Najib Mohammed. I have also heard the accused and the Prosecution, in opposition.
2. I observe that the Prosecution had virtually opposed the release of the accused person on bond pending trial but the trial magistrate exercised discretion and underscored the constitutional right to bail pending trial and granted the accused person bail on terms which terms, in my view, are not exorbitant or unreasonable as the accused can get two sureties, each of the Kshs. 5,000,000/= and whereas the 2 sureties could be civil servants, they need not necessarily be civil servants where they have land within the jurisdiction of this court whose value is upto 5 million each.
3. The accused is innocent until proven guilty but he faces serious charges and therefore it is important that bail conditions which are stringent are imposed to ensure compliance. For the above reasons, I find no reason to interfere with the orders of the trial court on bail pending trial.
4. I decline to revise the said orders. The accused to identify suitable sureties to stand in for his release on bail pending trial.
5. Orders accordingly,
6. File closed.



DATED, SIGNED AND DELIVERED AT SIAYA THIS 22 ND DAY OF APRIL, 2022

R.E. ABURILI

JUDGE

