



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**CRIMINAL CASE NO. 5 OF 2020**

**FRED ONYANGO ORIMBA .....ACCUSED**

**VERSUS**

**DPP.....REPUBLIC**

**RULING**

This matter now comes up for the application of the accused/applicant dated 14.10.2020. At prayer (b) of the same, the applicant prays for review of the terms of bond issued herein in favour of the accused. The accused had been granted a bond of Kshs.2 million with 1 surety of a similar amount with an alternative of Ksh.200,000/=in cash bail. Counsel for the accused has urged the court to take into account the special circumstances of the accused, being of poor background, married with 2 children. Also that he has been in custody since 2019. She relied on the decision of Republic Versus Evans Ochieng (2019)eKLR, and pleaded for reasonable terms of bail.

The prosecution, on the other hand, has opposed this application on grounds that the applicant has not shown that he has put any efforts at securing the terms of bond. Also of likelihood of interference with witnesses.

I have considered the submissions of both sides. This is an application for revision of this court's orders of 29.1.2020. Prior to the said ordered, the court considered the objections of the prosecution. A considered ruling was made on the same. The objection of the prosecution on the fact that if released, the accused is likely to interfere with prosecution witnesses, was well considered in the said ruling.

Special circumstances have been pleaded in this present application. That he has been in custody since 2019 for inability to meet the terms of bond as set. I have taken note of this. I have further taken note of the current Covid-19 pandemic and the need to decongest the prisons and remand facilities. It is for these reasons that I find merit in the applicant's application for revision of the terms of bail. I allow the same and order that the accused may be released on revised conditions as follows:-

**1. Bond of Ksh. 1 million with 1 surety of a similar amount.**

**2. In the alternative a cash bail of Ksh.100,000.**

All the other terms of bond as ordered on 29.1.2020 to remain as earlier ordered. Orders accordingly.

**D. O. OGEMBO**

**JUDGE**

**30.6.2021.**

Court:

Ruling read in court (on-line) in presence of the accused (Nairobi Remand), Ms. Murito for accused and Ms. Kimani for the state.

**D. O. OGEMBO**

**JUDGE**

**30.6.2021.**

Court:

In the presence of the parties, a hearing date to be fixed. Hearing 29.9.2021.

**D. O. OGEMBO**

**JUDGE**

**30.6.2021.**