



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL CASE NO. E037 OF 2020

JAMES GICHIMU WACHIRAACCUSED

VERSUS

DPPREPUBLIC

RULING

The accused herein **JAMES GICHIMI WACHIRA**, has applied to be released on bond pending the hearing and determination. The application is dated 24.2.2021. In the affidavit in support of the application the applicant has deponed that he is elderly at 70 years, and sickly. He has also undertaken to abide by any conditions the court may impose on the grant of bail.

The prosecution side has not opposed the release of the accused on bond.

Under Article 49(1)(h) an accused (and an arrested) person has a right to be released on bond on reasonable terms unless there exists compelling reasons that mitigate against the same. In our case, the state/Respondent has confirmed that there are no compelling reasons. In the circumstances I allow the application dated 24.2.2021 and order that the applicant may be released on bond on the following terms.

- i) A bond of Ksh.1 million with 1 surety of a similar amount.**
- ii) In the alternative, a cash bail of Kshs.200,000/=**
- iii) He is ordered never to interfere with or contact any prosecution witness directly or indirectly till this case is determined.**
- iv) He is ordered to attend court at all times as may be ordered by the court from time to time till this case is determined.**

Orders accordingly.

D. O. OGEMBO

JUDGE

30.6.2021.

Court:

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

D. O. OGEMBO

JUDGE

30.6.2021.

Court:

A hearing date to be given in this matter. Parties are all present. Hearing 21.9.2021.

D. O. OGEMBO

JUDGE

30.6.2021.