

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

MISCELLEANOUS CRIMINAL APPLICATION NO. 89 OF 2021

PETER OTIENO..... 1ST APPLICANT

GEORGE OCHIENG2ND APPLICANT

VERSUS

REPUBLICRESPONDENT

(An application from the judgment, conviction and sentence in SIAYA PMCRC NO. E165 OF 2020)

RULING

1. I have considered the application for revision of the Orders of 14.7.2021 made by Hon. J. Ong'ondo Senior Principal Magistrate in Siaya PM Cr. Case No. 165 of 2020. I observe that the bond terms for the accused persons were reviewed after the charge sheet was amended consolidating three files Cr. Case 162, 163 and 165 of 2020 where the 2 accused persons now face 3 counts of grievous harm. Before 14.2.2021, the trial court did not have the benefit of the other two files Cr. 162 and 163 of 2020.

2. As there is no complaint regarding the suitability of accused persons remaining on the same bond terms granted in each of the three files prior to the consolidation of the criminal files, I allow this application for revision of the Order of 14.7.2021 made by Hon. J. Ong'ondo SPM and, Order that the bond terms granted to the 2 accused persons in PM CR 162, 163 and 165 of 2020 be and are hereby consolidated. The accused persons having deposited into court a total sum of KShs.30,000/= each for the three counts, the said cash bail is consolidated to apply to the consolidated charge sheet in Cr. Case No. 165/2020.

3. Accordingly, the Orders of 14.7.2021 which made no reference to the cash bail deposited into court by the accused persons are hereby revised and set aside. Each Accused person to remain on bond of KShs.300,000/= plus one surety of similar amount, in the alternative, to be released on depositing into court cashbail of Kshs 30,000 each. As they have deposited cash bail of KShs.30,000/= each covering the three criminal files which are now consolidated, the cash bails to be consolidated to apply to Cr.165 of 2020.

4. Orders accordingly.

Dated, Signed and Delivered at Siaya this 28th day of July, 2021

R.E. ABURILI

JUDGE