



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KERUGOYA**

**CRIMINAL CASE NO. 24 OF 2020**

**REPUBLIC .....PROSECUTOR**

**V E R S U S**

**JOSEPH KASSAM MWANIKI .....ACCUSED**

**RULING ON BAIL APPLICATION.**

1. The accused took plea before me on the 16/9/2020. His Advocate Mr. Assime applied for bail orally on his behalf, upon grounds that the accused is not a flight risk, and would not interfere with prosecution witnesses pending hearing of the case. He undertook to comply with reasonable terms that the court may grant.

2. Learned Assistant Director of Public Prosecution for the State had no objection to release of the accused on bail/bond. He confirmed that the Investigating Officer had no compelling reasons to oppose bail.

**Article 49(1)(h)** of the Constitution gives an accused person a constitutional right to bail if there are no compelling reasons to deny the same.

3. I have taken into account that an accused person is presumed innocent until otherwise proved – **Article 50(2)**. I have also considered the nature of the offence. It is serious and circumstances thereto.

4. There being no compelling reasons to deny bail, I admit the accused to bail, upon terms that:

a) The accused shall sign a bond of Kshs 300,000/- and two sureties of similar amount.

b) The accused shall not interfere with prosecution witnesses, and will at all times, when required, attend court.

It is so ordered.

**Dated at Kerugoya this 17<sup>th</sup> day of September 2020.**

**J. N. MULWA**

**JUDGE**