



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO. 56 OF 2019**

**AHMED OSMAN.....ACCUSED/APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

By a notice of motion dated 6<sup>th</sup> February 2019 the accused in Meru C.M.C No 66 of 2018 applied that this court revises and/or review the ruling on bail and grant lenient bond terms.

The application was supported by the grounds on the face of the motion and an affidavit sworn on 6<sup>th</sup> February 2019 by said Ahmed Osman.The state didn't object to the revision and/or review of bond terms.

The lower court record has been perused as well as the statute creating the offence herein and it is noted that the penalty for the offence is a fine of Kshs 30 million shillings in default 30 years imprisonment or birth.

It is also noted that on 23.1.2019 and 8.2.2019 when the applicant sought review of the terms the trial magistrates then presiding declined for reasons that the terms are commensurate with the nature and seriousness of offence. I do agree with the trial courts view however, considering that the prosecution has not objected and that accused remains innocent until proven guilty the court will review bond terms as follows:-

1. Accused to pay cash bail of Kshs 5,000,000/=
2. In addition to cash bail accused to provide surety of Kshs Kshs. 5,000,000/= + one Kenyan citizen
3. Accused person to deposit his passport with the court as pre-condition for release in terms above.
4. Accused person shall be required to report to Investigating officer once a week every Thursday except where the Thursday fall on a hearing or mention date in curt in which case he will report on the subsequent.
5. The accused will remain within the jurisdiction of the court unless with the authority of the court.
6. Matter be mentioned before trial court on 27.2.2019 for further orders.
7. In the event the applicant is unable to raise security the trial court to expedite hearing.

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**HON. A.ONG'INJO**

**JUDGE**

**RULING SIGNED, DELIVERED AND DATED THIS 20<sup>TH</sup> DAY OF FEBRUARY 2019.**

**In the presence of:**

CA: Kinoti

Mr Namiti for state

Ms Muna Advocate holding brief for Otieno C for Applicant.

Applicant – Present in person

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**HON. A.ONG'INJO**

**JUDGE**