

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

MISC. CRIMINAL APPLICATION NO.271 OF 2017

PATRICK KARIUKI MWITHIGAH.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The Applicant, Patrick Kariuki Mwithigah is charged before the Chief Magistrate's Court Nairobi with several cases. The cases are three. The cases are **Criminal Case No.918 of 2017**, **Criminal Case No.945 of 2017** and **Criminal Case 1003 of 2018**. The charges are similar. They relate to fraud. The Applicant was charged with obtaining various sums of money from various complainants by **false pretences** contrary to **Section 313** of the **Penal Code**. The trial court in the various cases released the Applicant on bond pending trial. The Applicant has not been able to raise the various bonds. He pleads with the court to consolidate the various bonds that were issued to him in the various cases. In particular, he told the court that he was praying to be released on a cash bail of Kshs.50,000/- for all the cases. Ms. Aluda for the State opposed the application. She submitted that the various sums given as bond or cash bail by the various courts was reasonable in the circumstances. The offer made by the Applicant in this application could not secure his attendance before court. She urged the court to reject the application.

This court has carefully considered the rival submission made by the parties to this application. The Applicant craves for the exercise of discretion by this court to have his bond terms revised so that he can be released on a consolidated bond term. As stated earlier in this ruling, the Applicant is facing three separate charges in three separate cases. In each of the case, he has been granted bail pending trial. The Applicant has been unable to pay or to raise bond in each of the cases. Hence his application before this court to have the bond terms consolidated so that he can be released on one bond term. This court has noted the charges that the Applicant is facing. It has also noted the bond terms that were imposed by each trial court. It was clear to this court that the bond terms imposed by each trial court was reasonable in the circumstances taking into account the nature of the charges that were preferred against the Applicant. The various trial courts applied the correct principles of the law in determining the bond that the Applicant was required to raise so that he could be released on bail pending trial.

In the premises therefore, this court finds no merit with the Applicant's application which seeks consolidation of bond terms. The application is dismissed. The trial courts' files are ordered returned to the trial court for hearing and disposal of the various cases. The Applicant shall appear before the trial court on 25th February 2019 with a view to fixing hearing dates for the various charges that he is facing .It is so ordered.

DATED AT NAIROBI THIS 20TH DAY OF FEBRUARY 2019

L. KIMARU

JUDGE