



**REPUBLIC OF KENYA**

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

**CRIMINAL DIVISION**

**CRIMINAL CASE NO 56 OF 2019**

**REPUBLIC.....RESPONDENT**

**VERSUS**

**DENNIS KERIBO NYARIBARI.....1<sup>ST</sup> ACCUSED**

**DANIEL WANG'ANG'A MUCHAI.....2<sup>ND</sup> ACCUSED**

**TITUS KYALO MUSYOKI.....3<sup>RD</sup> ACCUSED**

**RULING**

1. On 25/09/2019 Justice Mutuku directed that the matter be placed before me for bail application and on 8/10/2019 the parties appeared before me with Ms. Gikonyo for the State indicated that there was still one suspect who had not been arrested but told the court that they did not have any compelling reasons why the accused persons should not be released on bond. Mr. Ndeda then appearing for the 2<sup>nd</sup> accused submitted that the relatives of the 2<sup>nd</sup> accused were willing to stand surety for him. It was indicated that he was a married man with two children.

2. Mr. Mutinda then made submissions on behalf of the 1<sup>st</sup> and 3<sup>rd</sup> accused persons and the court reserved its Ruling for 29/01/2010 based on the court's work load and where it had reached with its Judgement and Rulings and within the period allowed in law.

3. The accused person subsequently filed application dated 16/10/2010 in respect of the 2<sup>nd</sup> accused **Daniel Wang'ang'a Muchai** on the ground that he had allegedly developed health complications while in prison and needed to seek medical attention. To that application was annexed medical records and reports.

4. On 17/10/2019 the 3<sup>rd</sup> accused also filed a similar application for court to review its Ruling on date for the Ruling. It is only the 1<sup>st</sup> accused who seems to be satisfied with the court's direction on the date of the Ruling.

5. Whereas the reasons indicated in the said application cannot justify the grant of orders sought for the court to bring forward the date of the Ruling, I have noted that there are medical documents tendered by the remand medical facility which has indicated that they might not be in a position to offer the same specialized medical attention and for that reason alone recall the date of the Ruling from 29/01/2020.

6. Having taken note that the prosecution has not provided any compelling reasons so as to deny the accused persons bond and having looked at the pre-bail report which is favourable in respect of all the accused persons, I hereby order that all the accused persons be released on bond on the following terms:-

***a. Each accused person to be released on bond of Kenya Shillings five hundred thousand (Kshs.500,000/=) with two sureties of similar amount.***

***b. In the alternative they may deposit cash bail of Kshs.500,000/= each.***

***c. They shall attend Mention before the Deputy Registrar of this court once after every 30 days at the dates to be set by the said Deputy Registrar while approving sureties.***

***d. They shall not make any contact with any of the intended prosecution witnesses unless the same is done in the presence of the Investigating Officer.***

Dated, delivered and signed at Nairobi this 24<sup>th</sup> day of October, 2019.

.....

**J. WAKIAGA**

**JUDGE**

**In the presence of:-**

*Ms. Gikonyo for the State*

*Mr. Ndeda for Wanyama for the 1<sup>st</sup> accused*

*Mr. Ndeda/Nderitu for the 2<sup>nd</sup> accused*

*Mr. Swaka for the 3<sup>rd</sup> accused*

*All 3 accused persons present*

*Court assistant: Karwitha*