

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITUI

CRIMINAL CASE NO. 77 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

ROBERT ZIPPOR NZILU MULINGE.....ACCUSED

R U L I N G

1. **Robert Mulinge**, the Accused herein, sought to be released on bail pending trial. In my ruling dated the **15th** day of **March, 2016** I attentively looked at factors that may be considered by a Court in determining whether or not to release an individual on bond. I found that witnesses who were to testify were close blood relatives of both the Deceased and Accused, therefore there was a likelihood of interfering with them.

2. On the **14th** day of **September, 2016** Counsel for the Accused renewed the application for bail. I considered the application and in my ruling dated the **11th** day of **January, 2017** I found that there were compelling reasons that militated against the release of the Accused on bond until some witnesses would have testified.

3. A total of eight (8) witnesses have testified in the matter. Counsel for the Accused has sought review of earlier orders of the Court. This Court's concern was with the Accused's likelihood of interfering with specific named witnesses. The likelihood of an Accused suppressing any evidence that may incriminate him is a good and compelling reason to make him incarcerated as clearly put in my two (2) rulings.

4. The matter was to be reviewed after witnesses under threat testified.

5. So far eight (8) witnesses have testified. All witnesses that were likely to be interfered with have testified.

6. In considering bail terms, however, unique circumstances of each case must be considered which I hereby do and grant the Accused bail and bond thus:

(i) To pay a cash bail of **Kshs. 2,000,000/=**.

(ii) In addition to provide a surety of **Kshs. 3,000,000/=**.

7. Orders accordingly.

Dated, Signed and Delivered at Kitui this 20th day of February, 2018.

L. N. MUTENDE

JUDGE