

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARISSA
CRIMINAL APPEAL NO. 14 OF 2015

REPUBLIC.....RESPONDENT

VERSUS

NIMO IBRAHIM MOHAMUD.....ACCUSED

RULING

In these proceedings against the accused person of murder, on 9th December 2015 the court granted bail to the accused on certain terms.

It is now March, 2017 and the trial is still in progress and the accused is still in custody. Her counsel Mr. Onono yesterday 22/03/2017 informed the court that the accused was not able to meet the bond/bail terms of Kshs.800,000 bond with one surety of similar amount, or cash bail of Kshs.60,000 counsel urgent the court to raise the bond/bail terms in favour of the accused. Counsel urged that the terms be revised to about Kshs.100,000.

The prosecuting counsel Mr. Okemwa stated that the court, under the Judiciary Published Bail/ Bond Guidelines has powers to review the bail/bond terms granted herein.

I have considered the request of the degree on review of the bail bond conditions herein.

The case has been ongoing from 2015. It is still in the redeem of the prosecution case two (2) years down the line. It is obvious that the accused has not been able to meet the terms of bond/bail set by the court. She does not appear to be a flight risk, as I am informed by her counsel that her brother is a Kenya Wildlife Officer, and that the accused has children to take care of at Ijara-Masalani.

I am persuaded to review the bond bail terms. I thus review this court's earlier ruling and order as follows.

1. The accused will be released on signing her own bond of Kshs. 80,000 with one surety of similar amount or paying a cash bail of Kshs. 50,000.
2. She will attend court mentions and the hearing of the case.
3. She will not interfere with prosecution witnesses.

Dated and delivered at Garissa this 23rd March 2017.

GEORGE DULU

JUDGE