

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERUGOYA

CRIMINAL MURDER NO. 8 OF 2013

REPUBLIC.....PROSECUTOR

-VERSUS-

ANTONY GACHOKI MUGUONGO.....ACCUSED

RULING

The Counsel for the accused Mr. Kiguru Kahiga made an application that the Court do consider releasing the accused on bond. This is based on the ground that previously the accused had applied for bail and a ruling by Hon. Justice Limo directed that the issue of bond be revisited after three vulnerable witnesses have testified. That the three vulnerable witnesses have testified and the Court should now consider the application. That the accused has a fixed abode. He operates a workshop and is ready to abide by all the conditions the court may set.

In response the prosecution counsel submits that if the accused wishes to renew the application, he should file a formal application to give them a chance to respond.

I have considered the application. I have also perused the ruling by my brother Justice Limo. He was of the view that the accused could review the application to be released on bond after the three vulnerable witnesses have testified. The upshot was that he declined to allow the application dated 26th June, 2015.

I am inclined to agree with the prosecuting counsel Mr. Sitati that the application was spent. The accused cannot rely on the same application to review the application. A determination on the application was made. The witnesses have testified which means that the circumstances have changed. I am agreeable that the accused should file a formal application for review of bail application should be filed. This will give the prosecution a chance to respond.

I decline to consider the application as presented. The accused to file a formal application.

Dated and delivered at Kerugoya this 21st day of April, 2017.

L. W. GITARI

JUDGE

21.4.2017

Ruling read in the presence of accused, Mr. Sitati State Counsel, M/S

Murage Court Assistant this 21st day of April, 2017.

L. W. GITARI

JUDGE

21.4.2017