

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

MISCELLANEOUS CRIMINAL APPLICATION 271 OF 2017.

BETWEEN

**VINORD DOUGLAS OCHIEN’G OBALA alias OOK.....
APPLICANT**

AND

**REPUBLIC.....
.....RESPONDENT**

RULING.

The applicant herein seeks a reduction of the bond terms and thereafter a consolidation of the same in three criminal cases he is facing at Milimani Law Courts. The first is **Criminal Case No. 850 of 2015** in which he is charged with three counts. In count 1 he is charged with conspiracy to commit a felony contrary to Section 393 of the Penal Code and in counts 2 and 3 with stealing contrary to Section 268 (1) as read with Section 275 of the Penal Code. In the alternative to both counts, he is charged with handling stolen property contrary to Section 322 (2) of the Penal Code. In this case he was released on a bond of 5 million with a surety of a similar amount or a cash bail of Ksh. 1 million.

In **Criminal Case No. 999 of 2015** he is charged with 3 counts of stealing contrary to Section 268 (1) as read with Section 275 of the Penal Code. In this case he was released on a bond of five million or cash bail of Ksh. 300,000/=.

In **Criminal Case No. 520 of 2015** he was charged with 3 counts. In Count 1 he is charged with forgery contrary to Section 345 as read with Section 349 of the Penal Code. In count 2 he is charged with uttering a false document contrary to Section 353 of the Penal Code and in Count 3 stealing contrary to Section 268 (1) as read with Section 275 of the Penal Code. In this case he was released on a bond of Ksh. 200,000/= or a cash bail of Ksh. 50,000/=.

I have looked at all the charges and in my view the bond terms granted to the applicant are reasonable. They are commensurate with the offences. But taking into account that he is unable to afford the various bond terms it only fair that the bond terms be consolidated, after all the files are in the same court house. I have given regard to the fact that it has not been alluded to or demonstrated that the applicant is a flight risk. It has not also been alleged that he is likely to interfere with witnesses. Accordingly, I allow the application with an order that the bond terms in Criminal Case Nos. 850, 999 and 520 of 2015 be and are hereby consolidated. I order that he executes a bond of Ksh. Five Million with one surety of a similar amount or a cash bail of Ksh. One Million (1,000,000/) in respect of the three files. I note that the 3 cases are pending before Court Nos. 1, 4 and 12 respectively. I therefore direct that the surety be assessed by Court No. 1 or any of the other courts under the direction of Court No. 1. Upon approval of the surety or payment of the cash bail the copies of the security documents or cash bail receipts shall be filed in all the files with the original receipt remaining in file before Court No. 1. It is so ordered.

DATED and DELIVERED 19TH DAY OF OCTOBER, 2017.

G.W. NGENYE-MACHARIA

JUDGE

In the presence of:

1. Present in person for the Applicant.
2. Miss Atina. for the Respondent.