

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO.148 OF 2012

REPUBLIC

VERSUS

CHARLES NTABO MONDA - ACCUSED

RULING

1. The 2nd accused person herein **EVANS MAKORI ORINA alias NYAMATARI** was on 28th October 2015 granted bond of Kshs.3,000,000.00 (Three million only)with 2 sureties of a similar amount pending his trial.
2. On 20th January 2016, the 2nd accused, through his advocate Mr. Kaburi, made a passionate plea for a review of the bond terms citing inability to raise the requisite sureties following the death of one of his intended sureties in December 2015.
3. I have considered the 2nd accused's application for a review of the bond terms and also taken note of the fact that the main purpose of bond is to ensure that an accused person attends court whenever he is required to do so.
4. In view of the above facts and taking into account the fact that the accused's trial has not commenced with even one witness since this case was initiated way back in February 2012, I hereby allow the 2nd accused's application for review of the bond terms as to disallow the application would be tantamount to condemning the 2nd accused to an indefinite stay in custody pending a hearing which has not taken of for the last 4 years.
5. Consequently, I hereby review the bond terms of the 2nd accused and order that he may be released on bond upon executing his own personal bond of Kshs.1,000,000/= with one surety of a similar amount.
6. The other terms of bond shall remain the same as was ordered by this court on 28th October 2015.

Dated, signed and delivered in open court this 22nd day of January 2016

HON. W. OKWANY

JUDGE

In the presence of:

- Mr. Mochama for the State
- Mr. Bigogo for the Accused
- Mr. Omwoyo: court clerk.