



8. The trial has not commenced and not even a single witness has testified in this case more than 3 years since it was initiated.
9. The last time that the case came up for hearing on 17<sup>th</sup> November 2015, Miss. Mbelete counsel for the State intimated to court that she was unable to proceed with the case due to non-availability of witnesses and that she required time to evaluate the evidence with a view to deciding whether or not to proceed with the case.
10. Needless to say, a trial whose very commencement is delayed for over 3 years as in the instant case goes against the very tenet of natural justice that requires that trials be fair and speedy.
11. Clearly, the accused has been unable to raise the sureties that could satisfy the bond terms that he was granted on 1<sup>st</sup> August 2013. The State did not oppose the accused's plea for a reduction of the bond terms.
12. Under the above circumstances, I find that this is a suitable case for a review of the bond terms with a view to reducing the same to a level that the accused would be able to raise while at the same time ensuring that he attends court whenever he is required to do so.
13. Consequently, I hereby grant the application for a variation of the bond terms as follows:
  - a. **The accused may be released on bond upon executing his own personal bond of Ksh.1,000,000/= with two sureties of the sum of Kshs.500,000/= each.**
  - b. **The sureties shall be approved by the Deputy Registrar of this court.**
  - c. **Upon his release, he shall attend court for mention once every 30 days until the hearing and determination of his case or until further orders of this court.**
  - d. **In the event of default of No. (c) above without any justifiable cause, the bond shall be cancelled forthwith and the sureties called to account.**
  - e. **Hearing on 16<sup>th</sup> March, 2016.**

**Dated, signed and delivered in open court this 20<sup>th</sup> day of January, 2016**

**HON. W. OKWANY**

**JUDGE**

**In the presence of:**

Otieno for the State

Accused in person

Omwoyo: court clerk