



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
CRIMINAL DIVISION
CRIMINAL CASE NO. 82 OF 2012

REPUBLICPROSECUTOR

VERSUS

DANIEL WAFULA OLONGIACCUSED

RULING

1. The accused person has been in custody from 4/10/2012 when he first appeared before this court. The matter has not proceeded for hearing for one reason or another.
2. Bond is now a Constitutional Right of an accused person and can only be denied if there are compelling reasons which compelling reasons must be provided for by the state.
3. In this matter the state has not offered any compelling reason to deny the accused person his Constitutional right to bond. Further one of the Constitutional rights of any accused person is the right to fair trial which includes the right to be tried within the shortest period of time available.
4. I have looked at the pre-bail report ordered by this court in which it is recommended that the accused be released on favourable bond terms. The probation officers were unable to trace the family of the victim and therefore the possibility of the accused person interfering with them is ruled out.
5. Having taken note of the period the accused has been in custody and the conduct of the prosecution witnesses during the said period of time, the accused person shall be released on the following terms:-
 - a. ***Bond of Kshs.500,000/- with one surety of similar amount.***
 - b. ***In the alternative cash bail of Kshs.100,000/-***
 - c. ***Upon his release the accused shall report to his local area chief immediately and shall thereafter report to the same on the last Thursday of each subsequent month until the final determination of this matter.***
 - d. ***In addition to the reporting to the Area Chief the accused shall also report to the Deputy Registrar of this court after every 90 days at a date to be determined by the Deputy Registrar while approving bail terms.***

DATED, SIGNED and DELIVERED at Nairobi this 22nd day of February, 2016

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J. WAKIAGA

JUDGE

In the presence of:-

Mrs. Ndomu for Mr. Mwenda for the state

Miss Mumbi for Mr. Kengwe for the accused

Accused present

Tabitha court clerk