

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MISC. CRIMINAL APPLICATION NO. 127 OF 2016

ERIC OTIENO ATANGA.....APPLICANT

Versus

REPUBLICRESPONDENT

RULING

I have considered the application. Nothing stops this court from consolidating the bail terms. Indeed, I look at Cr. Case No. 1099/2015 are not commensurate with the offence with the offence. The bail is too high.

In Cr. Case No. 670/15, the court did not justify.....cash bail was not given.

It must be borne in mind that bail/bond is given with the prime season to ensure that the accused attending court when called upon to do so. He remain..... Until or unless otherwise prove. The terms of the bail/bond should also not be so light that they negate the very person for which they are granted.

Having made the above observation, I note that eth two files are being investigated by one Police Unit, Banking Fraud Investigations Department. Hence, no prejudice will be occasioned to the prosecution, the bail terms and consolidated.

Accordingly, I consolidate the bail/bonds terms in both Nairobi Cr. Case Nos. 670 of 2015 and 1099 of 2015. The Applicant is released on a cash bail of Kshs. 200,000 or a bond of Kshs. 500,000/= with one surety of a similar amount. The surety shall be assessed by the magistrate. Cr. Case NO. 670 of 2015 and surety approval forms filed in each of the files for ease of reference.

DATED and DELIVERED in open court 30th day of **May, 2016**.

G.W. NGENYE-MACHARIA

JUDGE

In the presence of:

1. Applicant in person

2. M/s Aluda for the Respondent