

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, a look at bail terms in Criminal Case No. 1099/2015 are not commensurate with the offence. The bail is too high.

In Criminal Case No. 670/15, the court did not justify why an alternative cash bail was not given.

It must be borne in mind that bail/bond is given with the prime reason to ensure that the accused attends court when called upon to do so. He remains innocent until or unless otherwise proven. The terms of the bail/bond should also not be so high that they negate the very purpose for which they are granted.

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

Accordingly, I consolidate the bail/bond terms in both Nairobi Criminal 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. Criminal Case No. 670 of 2015 and surety approval forms be filed in each of the files for ease of reference.

DATED and DELIVERED in open court this **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*