



**REPUBLIC OKENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL DIVISION**

**MISC. CRIMINAL APPL. NO. 373 of 2016**

**WINFRED WAKIENI KABARI .....1<sup>ST</sup> APPLICANT**

**SAMUEL MWANGI WARAGA.....2<sup>ND</sup> APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

I note in the application that the applicant was admitted to a bond of Kshs. 2,000,000/= or cash bail of Kshs. 200,000/=.

The bail/bond must always be commensurate with the offence. The offence of robbery with violence is a serious offence. The subject matter is a motor vehicle valued at Kshs. 3,000,000/= that was robbed from the complainant. In that respect, I think that the bail terms are not only reasonable but lenient.

However, bond terms should not be given in vain. I think that the bond of Kshs. 2,000,000/= is too high. Accordingly, I reduce the same to Kshs. 1,000,000/= with one surety of a similar amount. The cash bail shall not be varied.

**DATED AND DELIVERED ON 31<sup>ST</sup> OCTOBER, 2016**

**G.W. NGENYE-MACHARIA**

**JUDGE**

**In the presence of:**

*1. Applicant, Samuel Mwangi present*

*2. Ms. Atina for the Respondent.*