

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

MISC. CRIMINAL NO. 51 OF 2016

PETER MBABU MUTEMBEI.....ACCUSED

VERSUS

REPUBLIC RESPONDENT

RULING

The applicant herein has sought a reduction in his bond terms. The applicant is currently on trial before the lower court on a charge of **Robbery With Violence Contrary to Section 296(2) Penal Code.**

Initially the applicant was granted a bond of Ksh 1.0 million plus one surety of like sum. He was unable to meet those bond terms and sought for a reduction of the same. The trial court reduced the bond to Ksh 500,000/= plus one surety. The applicant was still unable to raise the bond terms and sought a further reduction. The trial court declined this request. Hence the present applicant before the High Court.

The applicant has averred that he is suffering a terminal illness and is ailing. He says his medical condition cannot be properly managed in remand. The application is opposed by the State.

I have considered the present applicant. Despite the ill health of the applicant I must bear in mind the serious nature of the charge he faces. The aim of the bond is to secure the future attendance of the accused in court. Given the circumstances, I hereby vary the bond terms granted to the applicant and I grant him a bond of Ksh 300,000/= plus one (1) surety of likesum.

Appellant in person

Mr. Motende for State

M. Odero

Judge

14/10/2016