

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

MISC. CR. APPLICATION NO. 380 OF 2016

HENRY MUKO OTONDO..... APPELLANT

VERSUS

REPUBLICRESPONDENT

RULING

The Applicant has already had the bail/bond terms reduced not only to reasonable but lenient terms. As is trite, bail/bond terms must always be commensurate with the offence. They must also not be too stringent that an accused cannot afford them.

In the present case, the Applicant was charged with felonies. In Criminal case No. 1077 of 2014, the value of the subject motor vehicle is Kshs. 750,000/= whilst in Cr. Case No. 1062 of 2014, the value of the vehicle is Kshs. 1,700,000/=. In that regard, I am not inclined to further reduce the cash bail.

As for consolidation, the same is tenable as both cases are investigated by the same Police Station and are within the same court house. Therefore, if the Applicant is unable to afford the respective cash bails, he can deposit a consolidated bond of Kshs. 700,000/= with one surety of a similar amount. The surety shall be assessed by the trial magistrate in Criminal Case No. 1062 of 2014. It is so ordered.

DATED AND DELIVERED THIS 22ND DAY OF NOVEMBER, 2016.

G.W. NGENYE-MACHARIA

JUDGE

In the presence of;

- 1. Applicant in person.*
- 2. Miss Nyauncho for the Respondent.*