

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 89 OF 2014

DANIEL NJUGUNA MWICIGI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

Daniel Njuguna Mwicigi who is the accused in this case has brought this application asking this court to review or vary its decision dated 9th December 2014. He wants the court to change the bond terms due to the changed circumstances. In brief he wants to substitute the cash bail deposited in court in the tune of Kshs 500,000 with a title for a piece of land known as Gatamaiyu/Kamburu/734 measuring 1.60 hectares. The land is valued at Kshs 6,000,000. The application is not opposed by the State.

I have considered this matter. on 9th December 2014 this court admitted the applicant to bail and gave him two alternatives, namely to post a bond of one million Kenya shillings (Kshs 1,000,000) with one surety of similar amount or to deposit with this court a cash bail of five hundred thousand Kenya shillings (Kshs 500,000). He took the second option and paid the cash bail. He now requires this cash for other family commitments and is seeking to have the bond terms varied so that he can post a title deed instead of the cash.

Strictly speaking, the court is not reviewing or varying bond terms as set out in the Ruling of 9th December 2014. The applicant was given two options to choose from, to deposit cash bail or to post bond with surety. He chose to deposit cash instead of bond with a surety. If it were not for the necessary order from this court to enable the release of the cash held by the court, this application would not have been necessary. I therefore order that the cash amounting to Kshs 500,000 deposited to this court by the applicant as cash bail be released to him upon his satisfaction of the second option of the bail terms. This order is subject to this court through its Deputy Registrar satisfying itself that the title in question is a genuine one and is valued as alleged, this being a requirement in situations where a title to land or log book is deposited in court respect to surety for bond. I make orders accordingly.

Dated, signed and delivered this 13th day of April 2015

In the presence of:

Nyauncho for State

Miss Matu for accused

Applicant - Daniel Njuguna Mwicigi

S. N. Mutuku

Judge