



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO.93 OF 2011

REPUBLIC

VERSUS

WYCLIFFE WAFULA NAMASWA - ACCUSED

RULING

1. On 23rd June 2015 Mr. Kaburi made an application to vary the terms of the bond.

On the 23rd July 2014 Hon. Justice R. N. Sitati delivered a ruling on the following terms:-

- i. **Accused be released on his own personal bond of Ksh.500,000/= with two sureties of similar amount or cash bail of Ksh.200,000/= with one surety for Ksh.500,000/=.**
- ii. **The sureties to be approved by the Deputy Registrar of this honourable court.**
- iii. **Once released on bond the accused is required to attend court once every 30 days until the case is heard and determined or until further orders of the court, in default bond shall be cancelled immediately and sureties held to account.**

iv. **Mention before the Deputy Registrar on 22nd August 2014.**

2. However, the accused found these terms unaffordable, hence an application to reduce the terms to affordable level.

3. **Article 49 (I) (h)** envisages reasonable conditions. The accused person be accorded when he seeks bond. Therefore, stiff terms are deemed to be unreasonable conditions.

4. Accordingly, this court, revising these terms, will be as follows:

1. **Ksh.300,000/= with one surety of similar amount. Or**
2. **Cash bail of Ksh.100,000/=.**

5. The other terms remain the same. The first mention to be on 31st August 2015.

6. It is so ordered.

Dated, signed and delivered in open court this 31st day of July, 2015

HON. C. B. NAGILLAH

JUDGE

In the presence of:

- M/S Sapele for the State
- M/S Moseki holding brief for Kaburi for Accused
- Samuel Omuga: court clerk