



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO.34 OF 2006

REPUBLIC.....RESPONDENT

VERSUS

RICHARD MWATHI NYAMBURA.....1ST APPLICANT

MICHAEL MWANGI NYAMBURA2ND APPLICANT

RULING

The two accused were first charged before this court (differently constituted) on 13th April 2006. Before their trial commenced, their counsel raised a preliminary objection which was disposed off by the court vide a Ruling dated 21st January 2009. The accused have now applied to be released on bail pending their trial which has suffered many setbacks in the past and is now set to start *de novo* before this court.

The application is not opposed by the State. **Mr. Okeyo** the prosecuting counsel submitted before this court that there were no compelling reasons to deny the applicants bail.

I have given due consideration to the provisions of Article 149(i) h of the Constitution and the circumstances of this case. I exercise my discretion to grant the applicants bail. They are released on the following conditions:-

- i. Each accused shall execute a personal bond of KShs.500,000/-
- ii. The two accused (being siblings) shall jointly provide 2 sureties of KShs.500,000/- each.
- iii. Each accused shall provide evidence of their expected place of permanent abode and address upon release.
- iv. Each accused shall report to the Investigating Officer once every two weeks until further orders of this court.
- v. Each accused shall attend the monthly mention of their case before the Deputy Registrar of the Court. The first such mention shall be on 31st March, 2014.

Orders accordingly.

Ruling delivered, dated and signed at Nairobi this 26th day of February, 2014

R. LAGAT - KORIR

JUDGE

In the presence of:

.....: Court clerk

.....: 1st accused

.....: 2nd accused

.....: For 1st accused

.....: For 2nd accused

.....: For the State/respondent