



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CRIMINAL CASE NO. 35 OF 2013**

**REPUBLIC .....RESPONDENT**

**VERSUS**

1. **AMOS GITAU MACHARIA.....1<sup>ST</sup> APPLICANT**
2. **DAVID MWANGI KIBUE.....2<sup>ND</sup> APPLICANT**
3. **EMMANUEL MWANGI LUBISA .....3<sup>RD</sup> APPLICANT**

**RULING**

The three accused persons in this case have each filed an application for the review of my ruling dated 14<sup>th</sup> August 2013 in which I denied them bail. They state in their respective supporting affidavits that the situation on the ground was no longer volatile and that there was no likelihood of violence against them if they were released.

The application is not opposed by the State. **Mr. Okeyo**, the learned prosecuting counsel who had opposed the initial application submitted before court that the situation on the ground had changed and that there was no likelihood of the accused being harmed. He only asked the court to grant conditional terms to secure the accused's attendance at trial.

I have considered the 3 applications. It is not in doubt that an accused person is entitled to bail pending trial unless there are compelling reasons to deny bail. There appear to be no compelling reasons to deny the applicants bail in this case.

They are released on bail on the following conditions:-

Each accused shall:

- i. Execute a personal bond of KShs.1 Million with one surety of like amount.
- ii. Each accused shall provide evidence of his expected place of permanent abode and address upon release.
- iii. Each accused shall not leave the jurisdiction of this court without an order of the court.
- iv. Not interfere with prosecution witnesses.
- v. Report to the Investigating Officer at Ruai Police Station once every two weeks until further orders of the court.
- vi. Attend the monthly mention of his case before the Deputy Registrar of the Court. The first such mention shall be on 14<sup>th</sup> April, 2014.

Orders accordingly.

**Ruling delivered, dated and signed at Nairobi this 12<sup>th</sup> day of March, 2014**

**R. LAGAT - KORIR**

**JUDGE**

In the presence of:

- .....: Court clerk
- .....: 1<sup>st</sup> applicant
- .....: 2<sup>nd</sup> applicant
- .....: 3<sup>rd</sup> applicant
- .....: For 1<sup>st</sup> applicant
- .....: For 2<sup>nd</sup> applicant
- .....: For 3<sup>rd</sup> applicant
- .....: For the State/respondent