



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYERI
CRIMINAL CASE NO. 47 OF 2010

REPUBLICPROSECUTOR

versus

PETER MAINA GICHURI

SIMON GATAMA GICHURI

JAMES GICHUKI MWANGIACCUSED

RULING

1. By a notice of motion dated 21st May 2013 the Applicants have moved court under the provisions of Article 49(1) of the Constitution of Kenya 2010 for review of the court ruling of 27th May 2011 wherein the accused persons were denied bond on the basis that the accused persons were likely to interfere with witnesses.
2. It is trite law that where the prosecution alleges that the applicants are likely to interfere with witnesses it is upon the prosecution to avail to court the names of witnesses and the nature of interference.
3. It should further be noted that it is almost three years since the accused persons were arrested and charged with the offence herein and would therefore allow the application herein and review the order denying the Applicants bond.
4. It should be noted that bond is a constitutional right of the accused persons which should only be denied in very clear cases where compelling reasons has been advanced by the prosecution.
5. I therefore order that the accused persons be each released on bond of Ksh. 500,000/- with two sureties of similar amount pending the trial and determination of this case. I further order that during the period of the same trial the accused persons shall report for mention before the Deputy Registrar of this court once after every 30 days.

Dated, signed and delivered at Nyeri this 4th day of April 2014.

J. WAKIAGA

JUDGE

Mr. Gitonga for the State

Mr. Muhoho for 1nad and 2nd accused

Mr. Waruinge for the 3rd accused.

Court: The ruling is delivered in open court in the presence of the above named. The matter to be mentioned before the Deputy Registrar on 5th May 2014.

J. WAKIAGA

JUDGE