



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL DIVISION**

**MISC. CRIMINAL APPLICATION NO.136 OF 2014**

**ROBERT ODHIAMBO OKECH.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

The Applicant, Robert Odhiambo Okech is charged with the offence of **obtaining money by false pretences** contrary to **Section 313** of the **Penal Code**. The trial is ongoing in the subordinate court. Pending the hearing and determination of the case, the Applicant had been released on cash bail of Kshs.200,000/-. He failed to appear in court during his trial. His bond was cancelled by the court on 23<sup>rd</sup> April 2013 and the cash bail of Kshs.200,000/- forfeited. The hearing of the case is yet to be concluded. The Applicant has made this application seeking to have his bond reinstated or alternatively new bond terms be issued. The State is not opposed to the Applicant being released on bond pending the hearing of the case provided appropriate terms are imposed to secure his attendance in court during the hearing of the case.

This court has considered the facts of this case. The trial court was indeed justified to cancel the Applicant's bond due to his failure, without reasonable excuse, to attend court during the hearing of the case. The cash bail of Kshs.200,000/- that was forfeited to the State cannot be reinstated. It shall remain so forfeited. Since the State is not opposed to the Applicant being released on bond pending trial, the Applicant shall be released on bond with new terms. The new terms is that the Applicant is released on bond of Kshs.1,000,000/- with two sureties of the same amount. Should the Applicant again fail to attend court as required, the trial court shall be at liberty to deal with him appropriately. It is so ordered.

**DATED AT NAIROBI THIS 18<sup>TH</sup> DAY OF NOVEMBER 2014**

**L. KIMARU**

**JUDGE**