



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL CASE NO. 90 OF 2010

REPUBLIC.....PROSECUTOR

VERSUS

DAVID NGASORA NYAMONGO.....ACCUSED

RULING

1. This will be the third application for bond. The first application was dated 7th November, 2011. It was denied in the ruling of the court, justice Langat-Korir on 4th June, 2012. The second application for bail was denied on 19th December, 2013.
2. The hearing is on, I am informed that only one of two witnesses remain for the hearing to conclude.
3. Members of the accused's families are some of those that have given evidence in this hearing. In particular I allude to paragraph 8 of Justice Sitati's ruling. I quote:

“There is evidence on record that the 1st accused, has already issued threats to his daughter one Jackline Moraa and her brother Duke Arasa Nyamongo. Jackline Moraa swore an affidavit filed on 20th February, 2012 confirming the threats and also wrote a letter dated 30th January, 2012 to the state”.

4. The state did not seem to oppose this application for the accused to be released on bond. He concurred, surprisingly, with the defence counsel that since the witnesses, who the court earlier feared, were going to be interfered with, there seems to be no interference now that they have already testified.
5. However, the concern of the court are two:

The release of the accused could bring harm to the children who have already testified against their father. On this basis, the court refuses bond to the accused.

The accused knowing the way the case is unfolding, he could take a chance and take a flight, disappearing completely. Equally on this basis, the court denies bond.

6. The hearing is near conclusion, the accused has been in custody for such a long time that one or two months is no big deal. He will soon know his fate.
7. It is so ordered.

Ruling dated, delivered at KISII on this 8th day of December, 2014

C.B. NAGILLAH,

JUDGE.

In the presence of:-

Omondi holding brief for Soire for the applicant

N/A for the respondent

Edwin Mongare Court Clerk.