



**REPUBLIC OF KENYA**

**High Court at Kericho**

**Criminal Case 5 of 2011**

**REPUBLIC.....PROSECUTOR**

**-VERSUS-**

**DAVID KIPLANGAT TONU.....ACCUSED**

**RULING**

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1. This ruling relates to an oral application by counsel for the accused person Mr. Orina for revision of bond terms imposed upon the accused person by this court (Hon. Mutende J.) on 13<sup>th</sup> November 2012. The application was made on 14<sup>th</sup> February 2013 when the matter was listed before me for directions on the hearing thereof.
  2. In her ruling delivered on the aforesaid date, Hon. Justice Mutende granted the accused bond of Kshs. 500,000/- with two sureties of a similar sum.
  3. In his submissions, Mr. Orina told the court that the bond terms imposed by the court on 13<sup>th</sup> November 2013 were not affordable to the accused person. He urged me to revise the terms to an affordable amount and to reduce the number of sureties to one.
  4. I have considered the submissions by counsel.
  5. I note that when the bail application was first made, the State did not oppose the same. The State did not also have an issue with the resent request for revision of the bond terms.
  6. This court is enjoined to create a balance that ensures that attendance of an accused person in court is secured while at the same time place reasonable terms of the said security. In the case before me, the court record contains a pre-bail report filed on 6<sup>th</sup> November 2012 through which the Probation Officer expresses no reservation against grant of bond to the accused person. In particular, the report underscores that the accused is a 53-year old man who is diabetic and who is prepared to abide by all conditions set by the Honourable court.
  7. On the strength of the pre-bail report, and having considered the submissions by counsel for the accused person, and there being no opposition to the present application from the State, I am inclined to revise the bond terms issued by my sister Hon. Mutende J guided by the need to observe the accused's constitutional right to bail while safeguarding his future attendance to court.

8. In the circumstances, the existing bond terms are hereby revised and the accused granted bond of Kshs. 200,000/- with one surety of a similar amount.

9. It is so ordered.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 20<sup>th</sup> DAY FEBRUARY 2013.**

**J.M. MUTAVA  
JUDGE**