



REPUBLIC OF KENYA

High Court at Mombasa

Criminal Case 12 of 2013

REPUBLIC RESPONDENT

V E R S U S

1. JABIR ALI DZUYA

2. BWANAMKUU ALWAN JABU

3. ANTONY MWATELA MUGHENDIACCUSED

RULING

The application for bond is in respect of the 3rd Accused Anthony Mwatela. It is brought under Article 22, 29, 49 (1) (h) and 165 of the Constitution of Kenya Section 123 of the Criminal Procedure Code Cap 75 Laws of Kenya.

It seeks to admit the 3rd accused to bond on such terms as the Court deems appropriate. The grounds are that the Applicant is in gainful employment at the Kenya Ports Authority and designated as a Docker in the capacity of Permanent and Pensionable Status and hence it is argued he is not in any way a flight risk.

Secondly that on 8th day of March 2013 he underwent a critical operation at Pandya Memorial Hospital and is in need of post-operation and convalescing case.

This application for bond is opposed on the grounds found in the affidavit of Sergeant Arthur Kennedy Onyango of CID Headquarters Special Investigation team who has been investigating matters regarding the Mombasa Republican Council.

He depones that he took over investigations in this case and was handed over three suspects Jabir Ali Dzuya 1st Accused, 2nd Accused Bwana Mkuu Alwan Jabu and 3rd Accused Anthony Mghendi Mwatela who was found with blood stained clothes.

Having gone through the affidavit of Sergeant Onyango, apart from the blood stained clothes, there is no other linkage between the 3rd Accused and his colleagues who are said to be members of Mombasa Republican Council.

I will accordingly call for a pre-bond report on the 3rd Accused only. Same to be availed in Court by Probation Officer on 2nd May 2013.

Mention on 2nd May 2013 in respect of 3rd Accused only. The case has a hearing date of 29th May 2013.

Ruling read and delivered in open Court this 19th day of April, 2013.

M. MUYA
JUDGE

In the presence of:-

Egunza for the Applicant

Tarus for 1st accused

Onjoro for 3rd accused

Gioche for the State

Court clerk – Mr. Musundi