



REPUBLIC OF KENYA

High Court at Mombasa

Miscellaneous Criminal Application 28 of 2013

1. DAVID MURIMA MWAI

2. DAVID MULOLO WAMBUA

3. NEWTON OLWENDE AUGO

4. GITONGA MAUTA

5. ANDREW JOAB NYAMIA

6. PETER NJINO KIMANI APPLICANTS

- Versus -

REPUBLIC RESPONDENT

RULING

This is an application for bond/bail brought under Section 123(3) of the Criminal Procedure Code and Article 49(1)(l) of the Constitution.

The Applicants were arrested on 1st March 2013 and arraigned in Court on 5th March 2013. They were jointly charged in Criminal Case No. 625/2013. David Murima Mwai the 1st accused in Criminal Case No. 625/2013 was separately and singularly charged in Criminal Case No. 626 of 2013 before the Chief Magistrate Mombasa.

On 19th March 2013 the Chief Magistrate ordered that the Applicants would be tried while in custody and the case was listed for mention on 28th March 2013.

A perusal of the Ruling of the Chief Magistrate indicates that though bond was denied on 19th March 2013 it was alluded that the matter would be revisited later. The Court was informed that a mention had

been set for 4th April 2013. This Court is not aware of what transpired on 4th April 2013.

I do not think that the Applicants have exhausted their legal remedies before the Chief Magistrate's Court. The Applicants are advised to renew their application for bond at the Chief Magistrate's Court. In the event, they are not satisfied with his Ruling they are at liberty to appeal against his decision

Ruling read and delivered in open Court this 10th day of April, 2013.

M. MUYA

JUDGE

In the presence of:-

State Counsel

Mr. Asige – Counsel for the Accused

Court clerk – Mr. Philip

COURT

Mention before the Chief Magistrate on 12th April, 2013.

M. MUYA

JUDGE

