

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL CASE NO. 37 OF 2011

REPUBLIC

VERSUS

ROLEX WAITA MUKUNZU ACCUSED/APPLICANT

RULING

1. On 18/6/2012, **Hon. Justice George Dulu** made orders for the release of the accused upon payment of a cash bail of Kshs.1 Million with one surety of a similar amount.
2. The application dated 11/6/2013 seeks orders that the said terms be varied and that the accused be released on bond. According to the affidavit in support, the Applicant is unable to raise the cash bail.
3. The application was opposed by the State on grounds that the said terms are reasonable.
4. I have noted that the orders for release on cash bail were made more than one year ago. This demonstrates the inability of the accused to meet the said terms. I am of the view that the court did not intend on one hand to grant bail to the accused and take it away by the other hand. I am therefore persuaded to exercise this court's discretion and vary the terms of bail.
5. As an alternative to the orders for payment of cash bail, the accused may be released on a personal bond of Kshs.1 Million with one surety of a similar amount.

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B. THURANIRA JADEN

JUDGE

Dated and delivered at Machakos this 24th day of **September** 2013.

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B. THURANIRA JADEN

JUDGE