

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

MISC. CRIMINAL APPLICATION NO. 116 OF 2013

JOASH ONGUK APPLICANT

VERSUS

REPUBLIC..... RESPONDENT

RULING ON REVISION

On 25th April, 2013 the Applicant was arraigned before the trial magistrate and the plea was deferred to 10th May, 2013 and he was ordered to be released on a cash bail of Ksh. 100, 000/=.

On 10th May, 2013 the plea was once more deferred to another date 10th June, 2013 when the applicant pleaded not guilty to the charge. After several mentions and directions the trial magistrate on 29th October, 2013 enhanced the bond terms from Ksh. 100,000/= cash bail to Ksh. 500,000/= reason that the applicant had failed to comply with the Notice. No grounds were proffered before the trial magistrate by the prosecution to the effect that applicant was a flight risk and would not avail himself in court when so required.

There being no good reason for the enhancement of bond terms, the order enhancing the bond terms to Ksh. 500,000/= is altered to the earlier one Ksh. 100,000/= cash bail. If the cash bail of Ksh. 100,000/= has been deposited in court the Accused to be released forthwith.

Ruling delivered dated and signed this **31st** day of **October, 2013**.

.....

M. MUYA

JUDGE

31ST OCTOBER, 2013

In the presence of:-

Learned Counsel for the applicant Wafula

Leaned State Counsel absent

Court clerk Musundi