



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (MILIMANI LAW COURTS)

MISCELLANEOUS CIVIL APPLICATION 34 OF 2012

SAMUEL MURIITHI MUGOAPPLICANT

VERSUS

REPUBLICRESPONDENT

R U L I N G

1. **EMILIO MUGO CEASOR**, the applicant herein, has come to court by way of Notice of Motion dated 17th January 2012. He is asking the court to review, vary and/or modify the order of the subordinate court issued on 20th August 2011 and on 31st October 2011 with regard to bail for the applicant. His prayer is that this court be pleased to admit him to reasonable terms and conditions, grant him bail and substitute the earlier order of the trial court declining the release him on bail pending the hearing and determination of his criminal case No. 3409 of 2011.

2. His application is predicated on **Article 49** of the **Constitution of Kenya** and **Section 123** of the **Criminal Procedure Code Cap 75 Laws of Kenya** and all other enabling Provisions of the Law.

3. The application was opposed by the Respondent represented by learned state counsel, Miss Mwanza. Miss Mwanza told the court that there are compelling reasons not to release the applicant on bail.

i) *the applicant was charged on robbery with violence which carries life imprisonment upon conviction.*

ii) *The applicant was armed with a pistol at the time of robbery which has not been recovered.*

Signed dated and delivered in open court this 15th Day of **March**,2012.

L. A. ACHODE
JUDGE

