

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

MISCELLANEOUS CRIMINAL APPLICATION 23 OF 2012

CHARLES MUNENE KAMAU.....APPLICANT

Versus

REPUBLIC.....RESPONDENT

RULING

The applicant CHARLES MUNENE KAMAU has appeared before this court for an order that the bond be reinstated upon terms that the court deems fit.

His main ground is that he is asthmatic and therefore gets acute attacks on frequent basis and that the medication he is getting is not adequate from the prison clinics.

The history of the matter is that the applicant had been granted bond of Ksh. 600,000/- with a surety of similar amount but some how along the line the applicant absconded thereby leading to his bond being cancelled.

I have looked at the evidence present before me and note that they were presented before the Chief Magistrate who rejected them. Whereas the applicant has stated that he is willing to abide by the terms of bond I note that his conduct shows that he is a man who is likely to abscond should he be released on bond.

The trial has taken off and is scheduled to proceed today at 2.30 p.m. I am therefore of the opinion that the applicant will soon know his fate.

I therefore decline to grant the orders sought.

Dated and delivered at Nyeri this 30th day of July 2012.

**J. WAKIAGA
JUDGE**