



REPUBLIC OF KENYA

High Court at Eldoret

Criminal Case 12 of 2009

REPUBLIC.....PROSECUTION

VERSUS

- 1. HOSEA MAKORI**
- 2. BENJAMIN NYABUTO SOSPETER**
- 3. GEOFFREY BOSIRE NYAVETU alias TOM.....ACCUSED**

RULING:

The Application before this court is by way of Notice of Motion dated the 9th July, 2012.

The Applicant relied on the grounds on the face of the Application and on the Affidavit in support made by the Applicant on the 9th July, 2012.

The Applicant who is the 3rd Accused, herein is seeking for admission into bail pending trial.

The Applicant had previously applied for bail before the Honourable Karanja J but the same was denied and the Judge ruled that the application had not been made at the appropriate time.

The current application is also opposed by the State on the basis that the Applicant is likely to abscond.

Upon hearing the arguments of both Counsel for the 3rd Accused and the State and having perused the court record, this court also shares the sentiments of Karanja J that there is a possibility that the 3rd Accused may jump bail.

The right to Bail is a Constitutional right of the 3rd Accused irrespective of the offence committed, but this court is satisfied that there are compelling reasons, for the court to deny the 3rd Accused bail.

For the reasons stated above, the application is disallowed. The court orders that proceedings be typed and the matter be mentioned on the 31/10/2012 for directions.

It is so ordered.

Dated and Delivered at Eldoret this 17th day of October 2012.

A.MSHILA

JUDGE

-
-
-

Coram:

Before Hon. A Mshila J

CC: Andrew

Counsel for the Accused: Nyamweya for 3rd Accused.

Counsel for the State: Wainaina

3rd Accused: Present.

Language: Kiswahili

**A.MSHILA
JUDGE**