



REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI MILIMANI LAW COURT

CRIMINAL APPEAL 625 OF 2001

FELIX ANOSIKE.....APPLICANT

AND

REPUBLIC.....RESPONDENT

CONSOLIDATED WITH

MISC. CRIMINAL APPLICATION NO.491 OF 2001

BETWEEN

JOHNSON CHUKWU EMEKA OBASI.....APPLICANT

AND

REPUBLIC.....RESPONDENT

PROCEEDINGS

12/9/01: Onduso for Applicant Muigai, State Counsel

COURT:

The Original Record of the Resident Magistrate's Criminal Case be brought up. Hearing on 14/9/01.

V.V. PATEL

JUDGE

14/9/2001: Onduso for Applicant Muigai , State Counsel COURT: Hearing on 18/9/2001. Original Record be brought up. V.V. PATEL JUDGE 18/9/2001: Onduso for Applicant Muigai, State Counsel www.kenyalawreports.or.ke 3 COURT: Johnson, the 1st accused in the Resident Magistrate's Court has also filed Misc. Criminal Application No.491/2001 in this matter. The said application be consolidated with this one. Both applications are fixed for hearing on 2/10/2001. The Original Record be returned and brought back of 2/10/2001. V.V. PATEL JUDGE 18/9/01 2/10/2001 – 9.40 A.M. Onduso for both applicants No appearance for Republic COURT: Misc. Criminal Application Nos. 625 and 491 of 2001 are consolidated. ONDUSO: Pray reduce the terms for the bond laid down by the Magistrate for the release of Felix, the applicant in No.625/01 pending the trial. www.kenyalawreports.or.ke 4 Also ask for

release on bond of the applicant, Johnson in the application No.491/01 pending the trial. The Magistrate refused his application for bond. Refer to the affidavits in support of both applications.

V.V. PATEL

JUDGE

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R U L I N G

Criminal Application Nos.625 and 491 of 2001 are consolidated. I have considered the submission made by Mr. Onduso, the learned advocate for the two applicants. Misc.Criminal Application No.625/01 is for the reduction of the bond terms laid against the applicant, Felix in it. No 491/01 is for granting bond to Johnson, the applicant in it. The Magistrate had dismissed his application for bond pending the trial in the court below.

The offences for which the two applicants are jointly charged in Nairobi Chief Magistrate's Court Criminal case No.966/01 are no doubt serious.

However, they are bailable offences. The Magistrate noted that both applicants were of Nigerian. I had a glance at the Magistrate's Criminal Case record and I note that three main witnesses who are Austrians have already testified. They are the respective complainants. In the six counts of the charge. The main consideration, inter alia, in deciding the issue of the bond is whether the accused will appear in court whenever required by the court pending the trial.

Having given my mind to this particular case I make the following orders.

ORDER:

The applicants, Felix Anosike and Johnson Chukwu be now released on their own bonds of Sh. One million each together with two sureties each in the like sum pending the trial. Further both of them should deposit their passports in the court. Dated and delivered at Nairobi this 2nd day of October, 2001.

V.V. PATEL

JUDGE

