

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL CASE NO. 1 OF 2019

REPUBLIC.....PROSECUTOR

~VS~

1. SULEIMAN ALI CHIPHORO Alias DIMAU

2. ALI SULEIMAN CHIPHORO.....ACCUSED

R U L I N G

1. The accused persons are facing trial for a charge of Murder Contrary to Section 203 as read with Section 204 of the Penal Code. The particulars are that the accused persons on the 10th day of January, 2019 at Kikonde village in Kwale County Coast region murdered JOSPHAT KARUGA WAINAINA.

3. The application for bond by the accused persons was dismissed on 28th March 2019 by Hon. Justice Njoki. On 30th September 2020 an application for review of orders denying bond were also declined. The application for bond was disallowed for reasons that there existed the danger that accused persons like 2 of AI's sons who had escaped they too will take off if released on bond pending trial.

4. The fresh Prebail Report is however in favour of accused persons being released on bond and in the circumstances this court makes an Order that they may be released on bond of Kshs.500,000/= with one surety of like sum each.

5. Orders accordingly.

DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE BY MS TEAMS, THIS 13TH DAY OF JULY 2021

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of:-

Ogwel - Court assistant

Ms. Mwangeka for State

Mr. Magolo Advocate for Accused persons

COURT: *Mention on 29/07/2021 for submissions.*

Hon. Lady Justice A. Ong'injo J

13/7/2021