

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

(CORAM: CHERERE-J)

CRIMINAL APPEAL NO. E158 OF 2021

BETWEEN

MOHAMMED NOOR.....APPLICANT

AND

REPUBLIC..... RESPONDENT

RULING

1. **MOHAMMED NOOR (Applicant)** was charged in ISIOLO CRIMINAL CASE NO. 1298 OF 2018 with arson and malicious damage to property.
2. He avers that after he was released on bond on 20th December, 2018, he started out of court negotiations with the complainant and upon reconciling, he mistakenly believed that that was the end of the matter. He therefore did not attend the hearing scheduled for 07th March, 2019. A warrant for his arrest was issued and he and was subsequently apprehended on 24th June, 2021.
3. Having absconded, I find that the trial court appropriately cancelled Applicant's bond.
4. And now that the complainant has indicated willingness not to proceed with the case, it would not be in the interest of justice to continue holding the Applicant in custody.
5. It is therefore hereby ordered **THAT**:

a. This matter be mentioned before the trial court on 13th October, 2021 or any such earlier or later date when the complainant shall formerly be given an opportunity to withdraw the complaint

b. If the complaint is not withdrawn, the Applicant shall be at liberty to renew application for his release on bond

DATED THIS 05TH DAY OF OCTOBER, 2021

WAMAE. T. W. CHERERE

JUDGE

Court Assistant - Kinoti

Appellant - Present

For the Applicant -Ms. Nelima for J.O.Ondieki & Co. Advocates

For the Respondent - Ms. Mwaniki