

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL CASE NO. 49 OF 2019

REPUBLICDIRECTOR OF PUBLIC PROSECUTIONS

VERSUS

FRANCIS MUSE alias MOI alias PRESIDENT.....1ST ACCUSED

REUBEN ASHIMBUNDU SHITAMBACHI.....2ND ACCUSED

BRIAN SHITAMBACHI MUKAMBISA alias ..BABA.....3RD ACCUSED

RULING

1. On 31st October 2019 I admitted the 2nd and 3rd accused persons to bail. I denied the 1st accused bail, primarily on grounds that the same had been opposed by the state, who feared that he was a flight risk.
2. The 1st accused has come back to court by way of a Motion dated 1st November 2019, seeking revision of the order that denied him bail.
3. The application came up for hearing on 9th December 2019. The state did not oppose it.
4. I shall presume that the state no longer considers the 1st accused person a flight risk. That would mean that there are no compelling reasons to deny him bail. In the circumstances I shall order that the 1st accused person, Francis Muse alias President, be admitted to bail on terms similar to those given to the 2nd and 3rd accused on 31st October 2019.
5. It is so ordered

DELIVERED DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 17th DAY OF January, 2020

W MUSYOKA

JUDGE