



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MISCELLANEOUS APPLICATION N0.48 OF 2017**

**JACKSON NGUI KISAA.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

The Applicant, Jackson Ngui Kisaa is facing five (5) criminal cases. Four of the cases are before the Chief Magistrate's Court at Milimani Law Courts Nairobi. One case is before Kibera Chief Magistrate's Court. The Applicant applied for the bond terms in the four criminal cases before the Chief Magistrate's Court at Milimani to be consolidated. This court acceded to the Applicant's request on 9<sup>th</sup> March 2016. It ordered the bond terms of the Applicant in the four cases to be consolidated so that the Applicant would post one consolidated bond of Kshs.2 million with one surety of the same amount or cash bail of Kshs.500,000/-. The Applicant was unable to raise the bond terms. He again made an application before this court for reduction of bond terms on 12<sup>th</sup> July 2016. The court granted the Applicant's application and further reduced the cash bail to Kshs.300,000/-.

Now the Applicant wants the court to consolidate the bond terms that was granted to him by this court in respect of the cases before the Chief Magistrate's Court Milimani with the case pending before the Chief Magistrate's Court at Kibera. The Applicant explained that he was unable to meet the bond terms imposed by the two courts. He would only be able to meet the bond terms if the bond term granted by this court was made to apply in respect of the criminal cases pending before the two courts. Ms. Nyauncho for the State opposed the application. She submitted that the court cannot consolidate the bond terms in respect of criminal cases before the two courts. The witnesses were different and the police stations that investigated the cases were different. She urged the court to dismiss the application.

This court has carefully considered the Applicant's application. Whereas it is the Applicant's constitutional right to be released on bail pending trial unless there are compelling reasons, this court is of the view that it cannot consolidate the bond terms granted to the Applicant by two different courts. The reason for this is that it would be impossible for the two different courts to supervise the Applicant and to ensure that he attends court without fail. The court further noted that the Applicant was subsequently charged with the case before Kibera Chief Magistrate's Court. The fact that the Applicant is alleged to have committed another offence after this court had granted him orders to be released on bail pending trial, clearly shows that the Applicant is a person who is likely to commit another offence if he is released on bail pending trial.

In the circumstances therefore, this court finds no merit with the Applicant's application for consolidation of the bond terms. The application is hereby dismissed. It is so ordered.

**DATED AT NAIROBI THIS 14<sup>TH</sup> DAY OF MARCH 2017**

**L. KIMARU**

**JUDGE**