

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

MISC. CRIMINAL APPLICATION NO.147 OF 2016

ROBERT OCHIENG ADEWA APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

This court is of the opinion that the bond terms granted to the Applicant by the trial court were not reasonable as to amount to denying the Applicant his constitutional right to be released on bail pending trial as provided under **Article 49(1)(h)** of the **Constitution**. The trial court, having formed the view that the Applicant qualified to be released on bail pending trial went ahead and imposed tough bond terms as to render the order of release on bail nugatory or a mirage. In the circumstance of this case, the order issued by the trial court imposing a bond of Kshs.1,000,000/- for the Applicant to be released on bail pending trial is hereby set aside and substituted by an order of this court releasing the Applicant on cash bail of Kshs.250,000/- or bond of Kshs.500,000/- with one surety of the same amount. The Applicant shall attend court without fail until the conclusion of the trial before the trial court.

DATED AT NAIROBI THIS 4TH DAY OF MAY 2016

L. KIMARU

JUDGE