

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 73 OF 2013

PETER MAYEKA MOKONGU.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

This ruling is in respect of review of bail/bond. The initial application for bail/bond was argued on 26th May 2014 and a ruling on the same delivered on 23rd June 2014 dismissing the application. The judge who handled the application and delivered the ruling stated in paragraph seven of that ruling that the applicant was at liberty to review his bail application once the civilian witnesses who were relatives of both the accused (applicant) and the deceased had testified.

This is a 2013 case. The plea was taken on 11th July 2013. Hearing of this case commenced before me on the 29th October 2014. The prosecutor has so far called four witnesses. From 30th October 2014, when the fourth witness testified to date, no other witness has testified due to failure by the prosecutor to summon the witnesses. Further hearing has been scheduled for 18th and 19th May 2015.

The prosecuting counsel is not opposed to the application for review. Instead she opted to leave matters to the court to make a decision.

I wish to emphasize that the main objective of bail/bond is to secure attendance in court of an accused persons as and when so required by the court until his/her case is fully heard and determined. I need not belabor the point that murder is a bailable offence under the laws of this country and this court having not been given any compelling reasons as to why this application should not be allowed I find that I have no reason to decline granting the orders sought. I therefore grant the applicant bail/bond on the following terms that:

- (i) The applicant shall execute a bond of Kshs one million Kenya shillings (Kshs. 1,000,000) with one surety of the same amount.
- (ii) In the alternative the applicant shall pay cash bail of three hundred thousand Kenya shillings (Kshs. 300,000).

Orders are made accordingly.

Dated, signed and delivered this 3rd March 2015

S. N. MUTUKU

JUDGE