

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 46 OF 2014

REPUBLIC.....PROSECUTOR

VERSUS

BERNARD WAINAINA MWANGI.....1ST ACCUSED

JOHN KARIANJA KINUTHIA alias MOHA.....2ND ACCUSED

MICHAEL NDEGWA NJAU alias OCAMPO.....3RD ACCUSED

RULING

John Karianja Kinuthia alias Moha and Michael Ndegwa Njau alias Ocampo, the 2nd and 3rd accused persons respectively have moved this court through their applications dated 7th April 2015 and 20th April 2015 respectively. They are seeking to be admitted to bail pending the hearing and determination of this case. The State through the prosecution counsel did not oppose the application save for urging the court to caution the applicants to ensure they attend court during the days they are required to do so and not to interfere with witnesses.

Initially there was one accused person in this case, Bernard Wainaina Mwangi who has since been released on bond following a successful application to this court. The applicants before me were arrested at a later date and arraigned in court Criminal Case No. 31 of 2015. The prosecution counsel applied to amend the information and consolidate the Criminal Case No. 31 of 2015 with Criminal Case No. 46 of 2014. The latter file is the leading file.

This application is not opposed and following the consolidation of the charges, it is the view of this court that the circumstances leading to the arrest of the applicants are the same as those in respect of Bernard Wainaina Mwangi. This court therefore has no reason to deny the two applicants bail. I allow both applications and order that John Karianja Kinuthia alias Moha and Michael Ndegwa Njau alias Ocampo be, and are hereby, admitted to bail on the same terms as those of Bernard Wainaina Mwangi. For avoidance of doubt, the applicants are released on bond/bail on the following terms:

- i. Each applicant shall execute a bond of one million Kenya shillings (Kshs 1,000,000) with one surety of similar amount.
- ii. In the alternative, each applicant shall deposit a cash bail of five hundred thousand Kenya shillings (Kshs 500,000) with this court.
- iii. Each applicant is hereby cautioned against interfering with the witnesses and is notified that if such interference were to happen and were to be brought to the attention of this court, the bond/bail shall stand cancelled and the applicant involved shall be remanded in custody for the remainder of the trial.

Orders are made accordingly.

Dated, signed and delivered this 3rd day of June 2015.

S.N.MUTUKU

JUDGE