



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
HCCR NO. 116 OF 2013

REPUBLICPROSECUTOR

VERSUS

EVANS BOGONKO MOSE1ST ACCUSED

EVANS ONKUNDI NYANG`AU2ND ACCUSED

RULING

This is a second application by counsel for the two accused persons for review of their bond terms. In the first application for bond, the court, Justice Sitati, released the applicants on bond if **Ksh. 1,000,000** with two sureties of similar amount. This was on **29th November, 2013**. The bond terms were not affordable to the accused persons.

Through their counsel Mr. Ondari, applied for review of the terms downwards. On **21st October, 2014** this court gave its ruling, reviewing these terms downwards from **Ksh. 500,000** with two sureties of similar amount.

Mr. Ondari on 18th May, 2015 made yet another application for review of the bond terms, especially on the issue of sureties, that the sureties be reduced to one surety for affordability by the accused persons.

The previous orders, i.e. the immediate previous orders, are hereby annexed, those dated 21/10/2014.

Accordingly, therefore, the court hereby reviews the previous orders as here below:

- 1) The bond is reduced to Ksh. 500,000 with one surety of similar amount, the surety to be approved by the Deputy Registrar of this court.
- 2) In the alternative, each accused be released on deposit of cash bail of **Ksh. 250,000** (*Shillings two hundred and fifty only*)
- 3) Once released, each accused shall attend court once every 30 days for mention until the case is heard and determined or until further orders of this honourable court.
- 4) Failure to comply with three bond terms shall lead to automatic forfeiture of cash and/or cancellation of bond and the said one surety being called to account.

5) Mention on 2nd July, 2015.

Orders accordingly.

Dated, Signed and Delivered at KISII this 2nd day of June, 2015.

C.B. NAGILLAH

JUDGE

In the presence of:

Ondari for both the accused persons

Otieno (absent) for the state

Samuel Omuga – court clerk