REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL CASE NO. 40 OF 2014

REPUBLIC …….…….....…RESPONDENT

VERSUS

1. MZUNGU SHUME MWANGEMI

2. DICKSON MUNGA SHUME

3. SADIK SHUME

4. TOMNIK SHUME …....…..... ACCUSEDS

RULING

This is an application for bond pending the hearing and determination of this case. The two accused persons have been jointly charged with two others Dickson Munga Shume and Tommick Shume who are still at large. This application for bond was made orally.

In the instant information the two Accused persons are Mzungu Shume Mwangemi and Shume Washe Baya alias Dick Shume.

The application is opposed and the grounds are to be found in the affidavit sworn by IP Ondieki the investigating officer.

The main ground is that if released the Accused person will interfere with Witnesses as they are relatives of theirs.

Secondly, that they are likely to abscond as their co-accused are still at large.

A perusal of this file shows that the first Accused was first arraigned in Court on 6th October, 2014 when it was informed that the 2nd, 3rd and 4th were still at large.

Warrants of arrest were subsequently issued against them upon application by the prosecution.

Subsequently Shume Washe Baya alias Sadik Shume was arraigned in Court on 30th December, 2014.

Since then till now the 2nd and 4th Accused are still at large while the two Accused persons presently charged before the Court cannot be held to suffer the sins of their co-accused, the likelihood that they would abscond is very high. I find that this is not an opportune moment in time to admit them to bond.

The application may be renewed at a later stage. The application for bond as of now is rejected.

Ruling delivered dated and signed this **7th** day of **July, 2015.**

….....

M. MUYA

JUDGE

7TH JULY, 2015

In the presence of:-

Learned Counsel for the prosecution Miss Nandi

Learned Counsel for the defence

Applicants

Court Assistant Musundi

M. MUYA – JUDGE

Hearing 29th July, 2015

….....

M. MUYA

JUDGE

7TH JULY, 2015