



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CRIMINAL DIVISION**  
**CRIMINAL CASE NO. 58 OF 2012**  
**REPUBLIC .....PROSECUTOR**  
**VERSUS**  
**ANGELICA MWAU WANZA..... ACCUSED**  
**RULING**

This is a ruling on an application for review of bail terms which was argued orally in court by Mrs. Omung'ala for the applicant.

The background of this matter is that the court presided over by Korir, J granted bail to the applicant in its ruling delivered on the 17<sup>th</sup> July 2013. It was ordered that the applicant execute a bond of KShs.2,000,000/= with two sureties of alike amount. On the 4<sup>th</sup> December 2013 this court reviewed the bail terms on request of the applicant downwards to KShs.500,000/= with two sureties.

The applicant now submit that he has been unable to raise the two sureties of KShs.500,000/= but has one surety with a security valued at KShs.2,400,000/=. It is his prayer that he be allowed to present the one surety that he has secured upon of the bail terms being reviewed.

The State through Ms. Gichohi opposed the review arguing that the court has already outstretched its hand in reducing the bail terms from KShs.2,000,000/= to KShs.500,000/=. The accused faces a serious offence of murder and it will not be possible for his attendance to be guaranteed if he is granted very lenient terms that do not be fit the offence.

Mrs. Omung'ala sought to give a clarification that the applicant's request is not for reduction of the bail terms but for substitution of the two sureties with one surety with a security of a higher value.

I have taken into consideration the history of this case. It is correct that the court has reviewed the terms of bail downwards, at a very considerable amount. The said orders were made in December 2013 which is about seven (7) months down the line. I believe the family of the applicant have made considerable efforts raise surety during that period which has not been fruitful. The plea in this case was taken on 6<sup>th</sup> August 2012 which period amounts to two years in prison remand spent in respect of the applicant.

I have considered the opposition by the prosecution which is based on fear of failure of attendance to court by the accused. I am convinced that the one surety of the elevated security will serve this purpose.

Having considered all the arguments and in the spirit of **Article 49** of the **Constitution**, I hereby allow the application for review. The accused shall be released on executing a bond of KShs.2,000,000/= with one surety. All the other terms of bail imposed by Korir, J on 17<sup>th</sup> December 2013 continues to be applicable.

**F. N. MUCHEMI**

**JUDGE**

**Ruling** dated and delivered in open court on the **1<sup>st</sup>** day of **July, 2014** in the presence of:

1. Applicant
2. State Counsel
3. Mrs. Omungala for accused

**F. N. MUCHEMI**

**JUDGE**