



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 51 OF 2014

SHIRE ALI ADAN alias AWALE.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The application for bail by the accused was initially opposed by the State on grounds that the accused was a Somali National who was unlawfully residing in Eastleigh and was therefore a flight risk if released. The State further stated in the Replying affidavit of **No. 57766 PC Dismus Suria** dated 30th July 2014 that the accused committed the offence with his sons who fled and have not been traced to date.

At subsequent proceedings the defence filed a supplementary affidavit to the initial application stating that the applicant was lawfully within Kenya. It displayed the applicant's driving licence, PIN and ownership of trailer registration Number ZE 3780. Learned prosecution counsel **Ms. Mwaniki** asked the court for time to verify the applicant's alien status as well as the documents submitted.

At the mention of the matter on 2nd October 2014, **Mr. Okeyo** for the State told the court that the prosecution had since verified the applicant's documents and confirmed that he held a valid passport and was in the country legally. He told the court that the State no longer opposed the application but would desire that the court imposes conditions that would ensure that the applicant does not leave the jurisdiction of the court.

I have considered the application. I note that the State does not wish to oppose the application any more having satisfied itself on the alien status of the accused. I therefore grant the application on condition that the applicant shall:-

- i. Pay cash bail of One Million Shillings (Kshs.1Million) with two Kenyan sureties of KShs.1Million each to be approved by the Deputy Registrar of the court.
- ii. Shall deposit his passport with the court.
- iii. Not leave the jurisdiction of this court without an order of the court.
- iv. Report to the Investigating Officer at Starehe Police Station once every two weeks until further orders of the court.
- v. Not communicate with or in any manner whatsoever interfere with any of the prosecution witnesses.
- vi. Attend court (before the Deputy Registrar) for the mention of this case once every month. The first such mention shall be on 11th November, 2014.

Ruling delivered and signed at Nairobi this **6th** day of **October**, 2014.

R.LAGAT-KORIR

JUDGE

In the presence of:

.....:Court clerk

Shire Ali Adan alias Awale: Accused/Applicant

.....:Counsel for the Applicant

..... :Counsel for the State