

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL CASE NO. 85 OF 2011

REPUBLIC.....PROSECUTOR

-VERSUS -

DICKSON MBEYA MARENDE *alias* DICKY.....1ST ACCUSED

ROBERT KOGI MWANGI *alias* KOGIL.....2ND ACCUSED

R U L I N G

The defence counsel made an oral application seeking to review the orders of Judge R. Korir on terms and conditions of bail granted on 26th June 2013 as a result of another oral application. The terms were that the accused persons may be released on bond of Kshs.500,000/= with three sureties of Kshs.200,000/=.

The counsel for the accused persons Ms. Vera Abong'o holding brief for Maline Abong'o submitted that the accused persons have not been able to raise the bond of Kshs.500,000/= with the sureties required and that they could only afford a bond of Kshs.200,000/= and one surety of the same amount. The prosecution did not oppose the application.

The original orders for terms of bond of Kshs.1,000,000/= with one surety of a similar amount were given by this court in its ruling dated 2nd May 2013. Those orders were reviewed about one month later by my sister judge on request of the accused persons. In the reasoned ruling of this court, the seriousness of the offence carrying a mandatory death sentence among other factors were considered and appropriate bail terms and conditions given. The terms were reduced downwards by the 2nd court only four (4) months ago.

The issue which arises is whether there is a good reason to review the bail terms a third time and downwards once again as intimated by the accused persons. I am not convinced that this court has been given any sound reason why such review should be done. The accused say they cannot afford a bond of Kshs.500,000/= which was half the amount what this court had given. It is my conviction that the accused would manage to meet the conditions set by my sister judge which I consider fair and just in the circumstance if they put more effort.

All considered, I decline the request to do a second review of bail terms in this case.

F. N. MUCHEMI

JUDGE

Ruling dated and delivered on the **11th** day of **November 2013** in the presence of the accused persons, the defence counsel Ms Abongo Maline and the State counsel Ms Magoma.

F. N. MUCHEMI

JUDGE