



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MISC. CRIMINAL APPLICATION NO. 213 OF 1998**

**CYRUS NYAGA KABUTE.....APPLICANT**  
**Versus**  
**THE ATTORNEY GENERAL.....RESPONDENT**

Coram: Osiemo J.  
Mr. Mugu for applicant  
Mr. O'miera respondent for the State  
Mr. Onduma -Court Clerk

**RULING**

This application by way of Chamber Summons seeks orders that the applicants bail which was cancelled on 29-9-98 in Criminal Case No. 406 of 1994 now pending before Senior Resident Magistrate, Kerugoya be reinstated. The applicant also prays for stay of proceedings until Miscellaneous Application No. 46 of 1998 now pending before the High Court, Nyeri is heard and determined. The application is supported by sworn affidavit of the applicant.

The lower court proceeding were not made available as the applicant had difficult in obtaining them.

I have considered the application, the affidavit in support as well as the submissions by both the counsel for the applicant and the Learned State Counsel and it can't be said that this application is lacking in merit.

When the applicant failed to appear in court for the mention of his case, which led to the cancellation of his bail, he had gone to see a doctor and he produced a medical card to support his claim.

I allow the application and order that his bail be reinstated on similar terms. I also order stay of proceeding in Criminal Case No. 406 of 1994 in Kerugoya Court until the application No. 46 of 1998 now pending before the High Court Nyeri is heard and determined.

Orders accordingly.

Dated and delivered in Nairobi this 16th day of June, 1998.

**J.L.A. OSIEMO**

**JUDGE**