



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL APPLICATION NO. 197 OF 1997

PATRICK PADDY OOKO APPLICANT

VERSUS

REPUBLIC RESPONDENT

R U L I N G

The applicant, P.P. Ooko, an accused in the lower court in four cases was granted bail by this court. That bond was cancelled by the lower court as a result of the applicant failing to honour his obligation and appearing in that court for the hearing of his case. It is not the applicant's case that he did not jump bail. His case before this court is that his failure not to appear notwithstanding, his bail should be reinstated and he be released on bond because the lower court had no jurisdiction to cancel the order of bail given by this court.

This is a point that has been argued before me and upon which I will deliver a ruling on 24/9/97. However, the appellant's bad record notwithstanding, he has pleaded before this court that he should be released on bond because of his failing and bad health. The evidence for this is overwhelming. The applicant is not a young man. He has no doubt had his time in both prison remand and detention. This court, only on humanitarian ground will release the applicant on bail to enable him to seek medical help. The conditions pertaining to his release shall be:-

- i. That he will attend without fail to the hearing of his cases as scheduled by the Chief Magistrate.
- ii. Failure to attend for each one of them will amount to his bond being cancelled forthwith by the Trial Court without any further application or reliance to this court.
- iii. He shall be released on bond on the same terms that he was on before in the lower court. Sureties if any shall be taken before the Deputy Registrar for examination.

Order accordingly.

E. OWUOR

J U D G E

18/7/97

Coram: Owuor J.

Mr. Maingi holding brief for Mr. Chunga and Mr. Okumu

Applicant in person

Court Clerk - Njehia

Court:

Ruling delivered in chambers.

E. OWUOR

J U D G E