

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL APPLICATION NO.550 OF 2001

AUGUSTINE ENEUGWU ALIAS SUNDAY APPLICANT

VERSUS

REPUBLIC RESPONDENT

RULING

In my earlier ruling of the 29th August, 2001 I summarised the facts of this application. Essentially the applicant has pleaded not guilty to a charge of Concealing Proceeds of Drug Trafficking contrary to Section 49(1)(a) as read with S.49(b) of the NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) ACT NO.4 of 1994 and was denied bail. This application before me now is for bail pending trial.

I have also already observed that the principal concern of the court at this stage of the trial is whether the applicant will turn up for his trial. Several factors are to be taken into consideration, including the seriousness of the offence, the ante-cedents of the applicant, keeping in mind all along, off course, that the applicant is innocent until proved guilty. The applicant is a Nigerian national. He is married to Mary Ayuma Akoth, a Kenyan, whose National Identity Card is No.4157265, a photocopy of which is annexed to her affidavit. The applicant is also running business of Import and Export through his company EUGA NETWORKS LTD., incorporated in Kenya. His advocate Mr. Jaluney has filed a supporting affidavit with annexures showing the applicant's business transactions.

The applicant also resides in Nairobi at Highridge Estate, House No.209 Wangapara Road, opposite the Indian High Commissioner's residence.

The upshot of this is that the applicant can be traced through his residence should he be required by any law enforcement agencies. In any case an appropriate weekly reporting order to the police will do.

For these reasons I now admit the applicant into bail. He is to execute a personal bond of KShs.500,000 with two Kenyan sureties each of Shs.500,000. The applicant will deposit his passport in to court and will report every Monday and Friday at 10.00 a.m. at the ANTI-NARCOTIC DRUGS UNIT of the CID Headquarters Nairobi.

It is so ordered.

A.G.A. ETYANG'

JUDGE

29.8.2001