

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARISSA

CRIMINAL CASE NO.6 OF 2014

REPUBLICPROSECUTOR/RESPONDENT

VERSUS

AHMED JILAOW JIMALE.....ACCUSED/APPLICANT

RULING

This is a bail application dated 1st July 2014 and filed on 2nd July 2014 brought by the applicant. He bases the application on the constitutional provisions (Articles 49, 50, 51(1), 19,20,21,22, 23(1), and 28) and section 123 of the Criminal Procedure Code.

The application is supported by his affidavit filed on 2nd July 2014 and a supplementary affidavit dated and filed today 24th July 2014. He has stated that he is a citizen of Kenya and bearer of National Identity Card No. [particulars withheld] a copy of which he has attached to the affidavit; that at the time of his arrest he was employed by the County Government of Wajir as a driver and has attached a copy of letter dated 25th September 2013 offering him that job.

He has stated further that he is not a flight risk and is ready and willing to abide by the conditions of bail set by this court.

The learned state counsel did not oppose the application. He told the court that he had no compelling reasons to oppose this application.

I have considered the application, the supporting affidavit and the supplementary affidavit together with the attached documents. Bail/bond is constitutional rights and are granted to an accused person charged with a criminal offence in this country unless compelling reasons not to so release him are advanced.

I have no reason to deny the accused bail/bond in this case. I therefore allow the application and order that the accused be released on bail/bond pending the hearing and determination of his case on the following terms:

- i. Cash bail of one and half million Kenya Shillings (Kshs 1,500,000) to be deposited with the Registrar of this Court.**
- ii. In the alternative, a bond of two million Kenya Shillings (Kshs.2,000,000) with one Kenyan surety of similar amount.**

I make orders accordingly.

Dated, signed and delivered this 24th July 2014.

S.N.MUTUKU

JUDGE