



**State v Oketch & another (Criminal Case E018 of 2023)
[2023] KEHC 21104 (KLR) (26 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21104 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL CASE E018 OF 2023
DO OGEMBO, J
JULY 26, 2023**

BETWEEN

STATE PROSECUTION

AND

STEPHEN OUMA OKETCH 1ST ACCUSED

WILSON ONDOO OKETCH 2ND ACCUSED

RULING

1. The 2 accuseds Wilson Ondoo Oketch and Stephen Ouma Oketch are jointly charged with the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#).

They have made an application to this court to be released on bail pending trial. The Prosecution did not respond to the application of the accuseds only urging the court to proceed and make a ruling on the same.

Under Article 49(i)(h) of the [Constitution](#), bail as a constitutional right afforded to any accused person irrespective of the charges that they face. And the right to bail can only be denied or limited if it is shown by the Prosecution the existence of any compelling reasons i.e. reasons that are strong and good enough as to justify a denial of the right.

2. In our instant case, the Prosecution did not raise any compelling reasons or offer any objection to the application of the accuseds. The Pre-bail reports filed by the Probation Officer on each of the accused do also confirm that both accuseds are suitable for consideration for grant of bail.

In the absence of any compelling reason(s), I allow the application of the accuseds and order that each of the accused may be released on bond in the follow terms:

- i. A Bond of Kshs. 500,000/= with 1 Surety of a similar amount.
- ii. In the alternative a cash bail each of Kshs. 100,000/=.



- iii. Upon release (if at all), the accuseds are ordered never to interfere with or contact any Prosecution witnesses, either directly or indirectly till this case is determined.
- iv. The accused are ordered to attend court at all times as the court would order from time to time till this case is determined and that breach of any of these conditions could lead to a cancellation of the bonds.

Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 26TH DAY OF JULY, 2023

D.O. OGEMBO

JUDGE

7.2023

Court:

Ruling read out in Open court in the presence of accuseds, Mr. Okoth Odhiambo for Accuseds and Ms. Mumu for the State.

D.O. OGEMBO

JUDGE

