



**Otieno v Republic (Criminal Miscellaneous Application E351 of 2021)
[2022] KEHC 11119 (KLR) (Crim) (31 May 2022) (Ruling)**

Neutral citation: [2022] KEHC 11119 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL MISCELLANEOUS APPLICATION E351 OF 2021**

DO OGEMBO, J

MAY 31, 2022

BETWEEN

ALFRIC ODHIAMBO OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. By application dated 8.10.2021, the applicant, Alfric Odhiambo Otieno has urged this court to revise the terms of bond issued to him in JKIA Criminal Case No. 40/2019. In the same case, he was granted a bond of Kshs.4 million with 1 surety of a similar amount. He has submitted that the court did not approve the surety he availed in court as ordered.
2. The prosecution has opposed this application on the grounds that the terms were reasonable in view of the charges the applicant is facing.
3. I have considered the submissions by the 2 sides. Article 49(1)(h) guarantees the right to hail to all accuseds. The said provision of *the constitution* requires that the terms of bail be reasonable. This implies that each case would be considered depending on its own circumstances.
4. It is worth noting that the applicant has not challenged the reasonableness of the terms of bond as set. I have also considered the charges the applicant faces. The same, I must say, are serious. I am convinced that the terms of bond set by the trial court are reasonable. This application therefore lacks any merit. The same is dismissed.

HON. D. O. OGEMBO

JUDGE

31ST MAY 2022.



Court:

Lower court file to be returned back to JKIA courts for trial.

HON. D. O. OGEMBO

JUDGE

