



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISII**

**CRIMINAL CASE NO.52 OF 2015**

**REPUBLIC - - - - PROSECUTOR**

**VERSUS**

**PETER OMBASA OINO- - - ACCUSED**

**RULING**

1. The accused person herein **PETER OMBASA OINO** faces one count of **Murder** contrary to **Section 203** as read with **Section 204** of the **Penal Code**.
2. The particulars of the charge are that on the night of 15<sup>th</sup> and 16<sup>th</sup> October 2015 at Bonyabwanga Sub-location in Bosinage Location in South Gucha Sub County within Kisii County, murdered **SAMWEL ORONI MAYAKA**.
3. The accused pleaded not guilty to the charge and is awaiting trial.
4. On 28<sup>th</sup> October 2015, soon after taking his plea, the accused applied to be released on bond pending his trial.
5. The State did not file any replying affidavit in opposition to the accused person's said application for bond.
6. The Probation Officer's pre-bail assessment report filed on 19<sup>th</sup> November 2015 recommended that the accused may be granted bond since his general character and conduct depicted him as a person who will observe the bond terms.
7. In view of the above and taking into account that the State did not offer any compelling reasons to deny the accused bond, I hereby allow the accused's application for bond in the following terms:-
  - a. **The accused may be released on bond upon executing his own personal bond of Kshs.500,000/= with 2 sureties of a similar amount.**
  - b. **The proposed sureties shall be approved by the Deputy Registrar of this court.**
  - c. **The accused shall attend court for mention of his case once every thirty (30) days until the case is heard and determined or until further orders of this Honourable Court.**
  - d. **Should the accused default in any one mention without justifiable cause then the bond shall stand cancelled and the sureties called to account.**

e. Hearing on 23<sup>rd</sup> March, 2016.

Dated, signed and delivered in open court this 20<sup>th</sup> January 2016.

**HON. W. OKWANY**

**JUDGE**

**In the presence of:**

- Otieno for the State
- Accused in person
- Omwoyo: court clerk