



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**  
**CRIMINAL CASE NO.36 OF 2015**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**MICHAEL OSORO OGARI.....CCUSED**

**RULING**

1. The accused herein, **MICHAEL OSORO OGARI**, is charged with the offence 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 20<sup>th</sup> June 2015, at Nyamemiso sub-location in Kisii Central District within Kisii County murdered **ESTHER BOSIBORI KENNEDY**.
3. The accused pleaded not guilty to the charges and is awaiting trial.
4. On 30<sup>th</sup> June 2015 the accused made an oral application for bond pending his trial. The state did not oppose the accused's application but the Probation Officer's pre-bail assessment report filed in court on 27<sup>th</sup> October 2015 stated that the situation on the ground is still volatile as the community back at the accused's home were still very bitter with him.
5. According to the said report, accused's own grandmother was skeptical about his being released on bond in view of the possibility of the victim's family revenging on him.
6. I note that in the above scenario, even though bond is a constitutional right of every accused person in line with **Article 49 (1) (h)** of the **Constitution**, the accused person in this case is not a suitable candidate to be released on bond at the moment.
7. I am convinced that the Probation Officer's pre-bail report has raised compelling reasons to deny the accused bond.
8. Accordingly, I dismiss the said application for bond for now, but add that the accused may renew his application for bond in future should the tempers on the ground cool down.
9. It is so ordered.

**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