



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**  
**CRIMINAL CASE NO. 09 OF 2016**

REPUBLIC.....PROSECUTOR

VERSUS

CMO.....ACCUSED

**RULING**

1. The accused person herein **CMO**, reportedly a minor aged 17 years, is charged with the offence of murder contrary to **Section 203** as read with **Section 204 of the Penal Code**.
2. It is alleged that on 20<sup>th</sup> February, 2016, in Kisii Central District within Kisii County, with malice aforethought, she murdered MARK OBIERO.
3. The accused pleaded not guilty to the said charge and is currently awaiting her trial.
4. The advocate for the accused, Mr. Okenye has applied for her release on bond pending her trial.
5. The state has not furnished this court with any reasons why the accused should not be released on bond pending her trial despite having been granted an opportunity to file a replying affidavit to the said application for bond.
6. Bond is a constitutional right of every accused person as envisaged in the Constitution at Article 49 (1) (h).
7. Consequently, I allow the accused's application for bond in the following terms:

***a) The accused may be released upon executing her own personal bond of Kshs. 500,000/= with one surety of a similar amount.***

***b) Once she is released on bond, she shall appear in court whenever she is required to do so by the Honourable Court until the case is heard and determined or until further orders of this Honourable Court.***

***c) In default of (2) above, the bond shall be cancelled immediately and the sureties taken to account.***

***d) Hearing on 26/4/2016.***

Delivered, dated and signed in at Kisii on 31<sup>st</sup> day of **March**, 2016.

**W.A. OKWANY**

**JUDGE**

**In the presence of:**

- Mr. Otieno for the State
- Okenye for the Accused
- Omwoyo court clerk