



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KISII**  
**CRIMINAL MURDER NO. 55 OF 2015**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**1. DENNIS ONDERI OGWAGU.....1<sup>ST</sup> ACCUSED**

**2. DOUGLAS ZEDEKIAH KENYANYA.....2<sup>ND</sup> ACCUSED**

**RULING**

1. The accused persons herein are jointly 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 diverse dates between 7<sup>th</sup> and 8<sup>th</sup> November 2015 at Karda area in Transmara West District within Narok County in the Republic of Kenya jointly with others not before the court murdered **MERCY NASHIPAI NASINTO**.

3. On the 19<sup>th</sup> January 2016, both the accused persons pleaded not guilty to the said offence of murder and are currently awaiting their trial.

4. Upon taking their plea, Mr. Sagwe for the accused persons applied for their release on bond pending their trial

**Article 49 (I) (h) of the constitution** provides that all arrested persons shall be released on bond unless there are compelling reasons for their not being granted bond.

5. In the instant case Mr. Otieno for the state, on 22<sup>nd</sup> March, 2016 intimated to the court that he had no compelling reasons as to why the accused persons cannot be released on bond.

6. Consequently, I hereby allow the accused persons' application to be released on bond pending their trial on the following terms:-

a. **Each accused person may be released upon executing his own personal bond of Kshs. 500,000/= with each providing 2 sureties of a similar amount.**

b. ***Once they are released on bond, they shall appear in court whenever they are 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.*

Delivered, dated and signed in at Kisii on **30<sup>th</sup>** day of **March**, 2016.

**W.A. OKWANY**

**JUDGE**

**In the presence of:**

- Mochama for the State
- Mosei for Sagwe for the Accused
- Omwoyo court clerk