

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 92 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

SUSAN MORAA OKETCH.....ACCUSED

RULING

The accused faces a charge of murder contrary to section 203 as read with section 204 of the Penal Code. It is alleged that she murdered Job Oketch Oino on 17th September 2015 at about 8.00am at Kiambiu Slums in Kamukunji Sub-County within Nairobi County. She had applied for bond and her application had been allowed. Bond was set at Kshs 1,000,000 with one surety of similar amount or in the alternative cash bail of Kshs 500,000. She was not able to meet those terms and conditions of bail and has approached the court again asking it to review, vary or set aside these terms and conditions of bail. Her main ground in support of this application is that neither she nor her relatives are able to raise the amount of bail. She deposes in her affidavit in support of the application that her relatives are only able to raise Kshs 400,000 or cash bail of Kshs 100,000.

This court called for a Social Inquiry Report to inform itself of the social and economic circumstances of the accused. The Report has been filed and I have read it. It shows that the accused comes from humble background and that her family is not able to raise the amount set in the terms of bail.

The paramount consideration in admitting the accused to bail is to ensure she will attend court whenever she is required to do so until the case is fully determined. It is expected that upon release, an accused person will not interfere with the witnesses or do anything that may amount to subversion of justice. This court is of the view that the accused understands the seriousness of the offence she is facing and she is aware that until this court hears all the evidence and determines whether she committed this offence or not, care must be taken to ensure that the witnesses and the evidence are not interfered with in any manner.

I have considered my earlier ruling on bail and I hereby wish to vary the terms of bail, which I hereby do, and order that the accused shall be released on a bond of **Kshs 500,000** with two sureties of similar amount. In the alternative she shall be released from custody upon payment of cash bail of **Kshs 150,000**. She shall attend all court sessions until this court is heard and determined and shall desist from doing anything that may interfere with the just conclusion of this case. It is so ordered.

Dated, signed and delivered this 21st December 2016.

S. N. Mutuku

Judge