



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 94 OF 2013

REPUBLIC APPLICANT

VERSUS

MIKE ORONI NYANCHOKA ACCUSED

20/1/2015

Before J. Wakiaga, J.

Bibu – cc

N/A by Mr. Okenye for the Accused

Accused in personally

Mr. Majale for the State

Court Ruling

The accused faces the charge of murder. He has pleaded not guilty to the said charges and he is at other point in line considered innocent until proven guilty. Bail is now a constitutional right under **Article 50** of the **Constitution** and can only be denied where there are compelling reasons.

The state has not filed any affidavit to provide the court with compelling reasons to deny the accused bond.

To assist the court in making a determination on the bond application, the court ordered for prebail assessment report which has been filed and in which they have recommended that the accused be released on bond.

Though the prebail report is not binding upon the court, the emerging jurisprudence in the Kenyan court and of which I associate myself with is that the same acts as a guide to the court in determining the suitability of an accused person to be admitted to bond.

There being no compelling reasons to deny the accused bond, I would therefore admit the same to bond on the following terms taking into account that he faces a charge of murder where the available sentence if proved guilty is death:

1. Bond of Kshs.300,000/= with one (1) surety of similar amount.
2. In the alternative cash bail of Kshs.150,000/=.

3. The accused person to attend mention before the D/R of this court once every 30 days at a date to be set by the D/R while approving bond terms.
4. The accused person shall not leave the jurisdiction of this court without written consent of the D/R.

The matter to be mentioned on 20/2/2015 for purposes of fixing a hearing date.

J. WAKIAGA

JUDGE

20/1/2015