

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 51 OF 2014

ROBERT ONSONGO ACHOKA alias MOI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. This is an application for bond. The applicant **Robert Onsongo Achoka alias Moi** was charged for murder, contrary to section 203 as read with 204 of the Penal Code. It is alleged that on 3rd May, 2014 at Monga village, Bomanyanya Sub-location in Nyamira North District within Nyamira County murdered **JOSEPH MAUTI NYAUNDI**. He denies the charge and now applies for bond pending the trial and determination of his case.
2. Bond is a Constitutional right. Article 49 (1)(h) of the Constitution empowers that the court to give bond to the accused person unless there are compelling reasons why bond should not be given. It is incumbent upon the state to show cause why bond should not be given by filing an affidavit outlining the reasons they think should preclude the court in releasing the accused on bond. In this regard, the state on 16th March, 2015 did state that they were not opposing the application for bond.
3. Accordingly, this court, for reasons, that the state has no opposition to this application, I shall release the accused person on a personal bond of Kshs. 500,000 with one surety of similar amount the same to be approved by the Deputy Registrar of this court.
4. Upon his release he will be expected to attend court every 30 days for mention of his case until the determination of his case or further court orders. The first such attendance to be on 23rd of April, 2015.
5. Any one default of the said attendance, the bond shall be cancelled forthwith and the sureties be made to account.
6. It is so ordered.

Dated and delivered at KISII this 24th day of March, 2015

C.B. NAGILLAH,

JUDGE.

In the presence of:-

Omwenga holding brief for Bigogo for the applicant

Otieno for the respondent

Edwin Mongare Court Clerk.