



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO.125 OF 2013

REPUBLIC PROSECUTOR

VERSUS

DENNIS OGETO OCHWANGI)

I N N) ACCUSED

RULING

1. The accused persons DENNIS OGETO OCHWANGI and I N N were charged with the offence of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code** the particulars of which were that on 16th day of November 2013 at Kijauri market in Borabu District within Nyamira County murdered MERCY MORAA.
2. They both pleaded not guilty to the charges and in the exercise of their constitutional rights under **Article 49(1) (h)** sought to be released on bond pending the hearing of this case.
3. The State through Miss Boyon offered no compelling reasons to deny the accused their constitutional rights to bond but submitted that the court may consider the pre-bail report filed in determining the application which submissions were supported by Mr. Soire for the accused persons.
4. It must be noted that the 2nd accused person is a minor and therefore the provisions of **Article 53** of the **Constitution** and **Children Act Cap 151** are applicable to the same.
5. There being no any compelling reasons to deny the accused persons bond I hereby order that the accused persons be released on bond upon the following terms:-

1st Accused

- a) *Bond of Kshs.500,000/= with one surety of similar amount.*
- b) *The accused to attend mention before the D/R of this court once after every 30 days at dates to be set by the said D/R.*
- c) *The 1st accused shall not leave the jurisdiction of this court without the written consent of D/R.*

2nd Accused

- a) *Being a minor, the second accused shall be released on bond of Kshs.500,000/=.*

b) Upon release from custody, the 2nd accused shall immediately be enrolled in school by his parents.

c) He shall attend mention before the D/R of this court once after every 30 days at dates to be fixed by the D/R.

Delivered, dated and signed in open court this 28th day of May 2015

J. WAKIAGA

JUDGE.

In the presence of:-

Miss Boyon for State

Mr. Sagwe for Accused Persons