



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**  
**CRIMINAL CASE NO.41 OF 2015**

REPUBLIC

VERSUS

RICHARD ONDUSO MASINYA - 1<sup>ST</sup> ACCUSED

ERICK ONCHOKE - 2<sup>ND</sup> ACCUSED

**RULING**

1. The accused persons herein **RICHARD ONDUSO MASINYA** and **ERICK ONCHOKE** were jointly charged with the offence of **Murder contrary to Section 203** as read with **Section 204 of the Penal Code**.

The particulars of the charge are that on the night of 28<sup>th</sup> and 29<sup>th</sup> March 2015 at Iyabe location within Kisii South Sub-county in the Republic of Kenya, jointly murdered **JOACHIM MOGERE**.

2. They both denied the offence and have now applied to be released on bond pending their trial. The State through their counsel Mr. Majale had no objection to the accused's application for bond.

3. The pre-bail assessment reports filed by the Probation Officer on 26<sup>th</sup> October 2015 recommended that both the accused persons were suitable for release on bond at the court's discretion.

**Article 49 (1) (h)** of the **Constitution** restates the right of any arrested person to bond except where there are compelling reasons when the court may decline to grant bond.

4. Accordingly, I allow the accused persons application for bond in the following terms:

a) Each accused person may be released on a personal bond of Ksh.500,000/= with each providing two sureties of a similar amount.

b) The sureties shall be approved by the Deputy Registrar of this court.

c) Upon their release, the accused shall attend court for mention once every 30 days until their case is heard and determined or until further orders of this court.

d) In default of (c) above without any justification the bond shall stand cancelled forthwith and the sureties called to account.

**e) Mention on 14<sup>th</sup> December 2015.**

**f) Mention before the Deputy Registrar on 1<sup>st</sup> December 2015.**

**Dated, signed and delivered in open court this 30<sup>th</sup> day of October, 2015**

**HON. W. OKWANY**

**JUDGE**

**In the presence of:**

- Miss. Boyon for State
- Kaburi for Accused
- Omuga: Court clerk