



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL CASE NO.80 OF 2013

REPUBLIC

VERSUS

EVANS ONSONGO NYAKWEBE.....ACCUSED

RULING

1. The accused person herein is charged with the offence of **Murder contrary to Section 203** as read with **Section 204 of the Penal Code**.
2. The accused pleaded not guilty to the charge and on 10th April 2014 applied to be released on bond pending his trial whereupon the court granted him bond on condition that he executes his own bond of Ksh.2,000,000/= with two sureties of a similar amount among other conditions.
3. On 30th September, 2015, more than one year after the accused had been granted bond, the accused applied orally in court for a review of the bond terms while stating that he was not able to secure the 2 sureties that could afford the Ksh.2,000,000/= bond.
4. Mr. Majale, counsel for the State did not oppose the accused's application for review of the bond terms.
5. To decide on this application, the court must consider what amounts to reasonable bond terms in a case where the accused person is not capable of securing sureties.
6. The main aim of bond is to ensure and secure attendance of the accused person at his trial and for that reason, the bond terms ought to be reasonable and not punitive.
7. In view of the above, I hereby review the bond terms given to the accused person as follows:
 - a. **The accused may be released on execution of his own bond of Ksh.1,000,000/= with 2 sureties of a similar amount.**
 - b. **The sureties shall be approved by the Deputy Registrar of this court.**
 - c. **Once released on bond the accused person shall appear for the mention of his case every 30 days until his case is heard and determined or until further orders of this court.**
 - d. **In default of No.(3) hereinabove, the bond shall be cancelled and the sureties called to account.**

e. **Mention on 4th November, 2015.**

f. **Accused remanded in custody.**

Dated, signed and delivered in open court this 28th day of October 2015

HON. W. OKWANY

JUDGE

In the presence of:

Mr. Boyon for the State

Mr. Kaburi for Nyagwencha for the Accused

Omuga: court clerk