



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO.7 OF 2014

REPUBLIC - - - PROSECUTOR

VERSUS

EVANS ONCHONGA - ACCUSED

RULING

1. The accused herein **EVANS ONCHONGA** is 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 26th December 2013 at Metembe sub-location in Marani District within Kisii County, jointly with others not before the court, murdered **MAGUTI NYAMAGE**.

2. The accused pleaded not guilty to the charge and is awaiting his trial.

3. Soon after the plea was taken, this court, (*differently constituted*) ordered for the filing of the pre-bail assessment report, a pointer that the court intended to grant the accused person bail as a matter of right in line with the provisions of **Article 49(1) (h) of the Constitution**.

4. The State did not file any affidavit in opposition to the accused's application for release on bond.

5. The pre-bail assessment report filed on **28th October 2015** recommended that the accused was suitable for release on bond.

6. Accordingly, I hereby grant the accused bond in the following terms:-

a. The accused may be released upon executing his own personal bond of Ksh.500,000/= with 2 sureties of a similar amount.

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

c. Upon his release, he shall attend court for mention once every 30 days until the hearing and determination of his case or until further orders of this court.

d. In the event of default of No. (c) above without any justifiable cause, the bond shall be cancelled forthwith and the sureties called to account.

e. The first mention shall be on 17th December 2015.

Dated, signed and delivered in open court this 19th day of November, 2015

HON. W. OKWANY

JUDGE

In the presence of:

- Ouko for the State
- Bigogo for Okenye for the Accused
- Ogega: court clerk