



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL MURDER NO.29 OF 2013

REPUBLICPROSECUTOR

VERSUS

ANDREW OTIENO OINO.....ACCUSED

RULING NO.2

1. On the 23rd May 2013, the accused person herein, Andrew Otieno Oino, was granted bond of Kshs.5,000,000/= (Five Million). The accused person has not met the bond terms as above stated.
2. Due to the number of pending cases registered in the year 2012 and before then, this case is yet to be given a hearing date.
3. In light of the above circumstances, this court on its own motion has decided to review the bond terms in keeping with the provisions of **Article 49 (1) (h)** of the **Constitution** which require that an arrested person has a right to be released on bond or bail, on reasonable conditions unless there are compelling reasons not to be so released.
4. In the Replying Affidavit sworn by No.69584 Cpl. Martin Samburmo on 2nd March 2014, it was stated at paragraph 8 thereof that there were “no compelling reasons to deny the applicant bail.” It was and still is, within the discretion of the court to determine the terms of any bond/bail application.
5. Having stated the above, I hereby set aside the bond terms granted to the applicant/accused person herein on 23rd May 2013 in terms of orders 1 and 2 in lieu thereof order as follows:-
 1. *The accused may be released on his own bond of Kshs.2,000,000/= (Kenya shillings Two Million) with 2 sureties of a like amount, such sureties to be approved by the DR of this honourable Court.*
 2. *In the alternative, the accused may be released on cash bail of Kshs.500,000/= (Kenya Shillings Five Hundred Thousand) with one surety of Kshs.2 Million (Kenya Shillings Two Mill lion).*
 3. *Orders 3 and 4 of 23rd May 2013 remain unchanged.*
 4. *Mention on 01/09/2014 for further orders.*

Orders accordingly.

Dated, delivered and signed at Kisii this 1st day of August, 2014

R.N. SITATI

JUDGE.

In the presence of:-

Mr. Majale for State

Mr. Sonye Ondari for Accused

Mr. Bibu - Court Assistant