



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**  
**CRIMINAL CASE NO. 27 OF 2013**

REPUBLIC ..... PROSECUTOR

-VERSUS-

MARY AKINYI NGESA ..... 1<sup>ST</sup> ACCUSED

STEPHEN ODHIAMBO OBONYO ..... 2<sup>ND</sup> ACCUSED

**RULING**

1. The accused persons who are charged with murder contrary to section 203 as read with section 204 of the Penal Code seeks to be released on bail pending trial.
2. In arguing the application for bail, counsel for the accused/applicant submitted that the accused persons both aged 27 and on retro-viral HIV treatment with young children aged 10, 8 and 5 for the 1<sup>st</sup> accused and 4 years for the 2<sup>nd</sup> accused, undertook to attend court whenever required to do so.
3. Counsel for the state, Mr. Majale confirmed that the state had no compelling reasons why the accused should not be released on bail. No affidavit in response to bail was filed.
4. On examination by the court, the accused confirmed that they each had a person to stand surety for them, the father in the case of the 1<sup>st</sup> accused who offered his 3 acre parcel of land and a brother in the case of the 2<sup>nd</sup> accused who offered his 4 acre piece of land.
5. In the absence of any compelling reasons for the refusal of bail, the accused are released on bail pending trial on terms that:
  - i. **The accused to execute a bond of kshs. 300,000/=**
  - ii. **The accused to provide (1) surety for the similar amount of kshs. 300,000/=**
  - iii. **The Accused shall not to leave the jurisdiction of the court without permission of the court.**
  - iv. **Accused to attend to the Deputy Registrar of the court ever 30 days pending the hearing and determination of the trial.**

**Dated and delivered this 29<sup>th</sup> day of MAY 2013.**

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**EDWARD M. MURIITHI**

**JUDGE**

**In the presence of: -**

**Mr. Okenye for the Accused**

**Miss Cheruiyot for the State**

**Mr. Edwin Mongare Court Clerk**

.....

**EDWARD M. MURIITHI**

**JUDGE**