



**REPUBLIC OF KENYA**

**High Court at Kisumu**

**Murder Case 62 of 2012**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**PETER OCHIENG .....APPLICANT**

**RULING**

The application dated 28th September 2012 prays that the accused person be released on bond pending the hearing and determination of this Criminal case.

After perusing the same I did order that a pre bail report be prepared by the probation officer. The same was prepared and is dated 30th October 2012. It speaks favorably about the accused person.

Bond is a constitutional right but the same again is discretionary. The circumstances for it to be granted varies from case to case.

I have nevertheless perused the report and I am satisfied that the applicant / accused person deserves the same. I do consequently order that:-

- a) **The accused be released on a bond of Kshs. 1.5 million with a surety of similar amount.**
- b) **The accused person shall attend court for mention every month till the case is determined.**
- c) **While on bond the accused should not in any way interfere with the witnesses or in any way impede the progress of this suit.**

Orders accordingly.

**Dated, signed and delivered at Kisumu this 14<sup>th</sup> day of November 2012.**

**H.K. CHEMITEI  
JUDGE**

**In the presence of:**

Kiprop for State Counsel

Onyango for Appellant

*HKC/aa0*