



REPUBLIC OF KENYA



**KENYA LAW**  
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**Republic v Owuor (Criminal Case E002 of 2024)  
[2025] KEHC 6189 (KLR) (Crim) (6 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6189 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CRIMINAL**

**CRIMINAL CASE E002 OF 2024**

**AM MUTETI, J**

**MAY 6, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**LENSA ACHIENG OWUOR ..... ACCUSED**

**RULING**

1. The accused person in this matter has applied to be released on bail pending trial.
2. The accused is alleged to have murdered Tatiana Akinyi (minor) on the 11<sup>th</sup> December 2023.
3. The prosecution is opposed to her release on bail relying on two grounds:-
  - i. Security of the accused person.
  - ii. Likelihood of interference with witnesses.
4. The witnesses of interest are the accused person's husband by the name Roy and the biological mother of the accused. The protection of witnesses is certainly a compelling reason and under Section 4 of the [Witness Protection Act](#) this court is enjoined to put measures in place to secure witnesses.
5. I have considered the submissions of counsel for both parties vis a vis the compelling duty to ensure that a fair trial is had in this matter.
6. Article 50 (1) of the [Constitution](#) provides that all matters capable of being resolved through the application of the law be decided in a fair and public hearing by an independent court or tribunal. The fair hearing requirement applies to both the defense and the prosecution's case thus the interests of justice must be carefully balanced.



7. Article 50 (2) (a) decrees that the accused is to be presumed innocent until the contrary is proved. It is not just enough to insinuate that the accused may be in danger if released on bail. The prosecution need not be reminded that the duty to protect the people against individuals who may want to take the law into their own hands, rests with the state thus even as the state raises the issue of security of the accused, that fact must be borne in mind.
8. The accused person just like everybody else is entitled to the protection of the law and all the security apparatus in this country must ensure that any one threatening to harm the accused is apprehended and charged. To do otherwise would be to encourage lawlessness which has the potential of creating anarchy in the country.
9. The accused is to be presumed innocent until the contrary is proved.
10. The court will not grant bail at this stage to allow the two witnesses alluded to by the prosecution to testify. The prosecution is ordered to ensure that all the key witnesses that they consider vulnerable are presented to the court on the first occasion of hearing on 1<sup>st</sup> and 2<sup>nd</sup> July 2025.
11. The defense shall be at liberty to renew the issue of bail at the end of the hearing of the testimony of the two witnesses.

It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 6<sup>TH</sup> DAY OF MAY 2025.**

**A. M. MUTETI**

**JUDGE**

In the presence of:

Court Assistant: Kiptoo

Ms Makila for the Accused

Ms Njoroge for the State

