



**State v Ogutu & another (Criminal Case E006 of 2024)  
[2024] KEHC 3363 (KLR) (9 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3363 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL CASE E006 OF 2024  
DO OGEMBO, J  
APRIL 9, 2024**

**BETWEEN**

**STATE ..... PROSECUTION**

**AND**

**PETER OTIENO OGUTU ..... 1<sup>ST</sup> ACCUSED**

**FREDRICK OCHIENG OGUTU ..... 2<sup>ND</sup> ACCUSED**

**RULING**

1. The accused before court had previously applied to be released on bail. On the objection raised by the prosecution, the court considered the application and ordered that the accused do remain in custody pending the taking of the evidence of the witnesses who were alleged to have been threatened against appearing in court to give evidence. It has now been confirmed to court that the two witnesses who have testified today were the two that the objection of the prosecution was based on. The prosecution does not oppose the release of the accused on bail.
2. In view of this change of circumstances, I now allow the application for bail for both accused. I accordingly order that each of the accused may be released on bond on the following terms.
  - i. Each may be released on a bond of Ksh. 1,000,000/= with one surety of a similar amount.
  - ii. In addition, each of the accused to deposit cash bail of Ksh.100,000/=.
  - iii. The accused if released on bond, are ordered to attend court at all times as would be ordered by the court from time to time till this case is determined.
  - iv. The two accused are ordered not to interfere with, threaten, intimidate any prosecution witnesses, either directly or by proxy till this case is determined.
4. It is ordered accordingly.



DATED, SIGNED AND DELIVERED AT SLAYA THIS 9<sup>TH</sup> DAY OF APRIL, 2024

**D.O. OGEMBO**

**JUDGE**

~~9/4/2024~~

**Court:-**

Hearing date fixed. Hearing 4/6/2024.

**D.O. OGEMBO**

**JUDGE**

~~9/4/2024~~

