



**State v Odaha & another (Criminal Case E030 of 2024)
[2024] KEHC 8766 (KLR) (16 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8766 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL CASE E030 OF 2024
DO OGEMBO, J
JULY 16, 2024**

BETWEEN

STATE PROSECUTOR

AND

PETER MUHUA ODAHA 1ST ACCUSED

LEONARD OUMMA OGOLA 2ND ACCUSED

RULING

1. I have considered the application by the defence for release of the accused on bond. Principally, the prosecution is not opposed to the release of accused on bond on reasonable terms. Article 49 (i) (h) of *the Constitution* guarantees the right to bail to all accused, which right can only be limited upon proof of any compelling reason. No such compelling reason has been shown to exist by the prosecution.
2. The accused have been held in custody for 40 days. They are obviously of advanced age. And atleast for accused 2, the court has been informed of his health conditions. In all fairness, it is only proper and just to place the accused on bail without any further delay.
3. In the circumstances, I order that accused may be released on bond on the following terms:-
 - i. Each may be on a bond of Kshs. 500,000/= with one surety of a similar amount.
 - ii. In the alternative, each may be released upon deposit of cash bail of Kshs.100,000/=.
 - iii. The accused are ordered not to interfere with or contact any of the prosecution witnesses, either directly or by proxy till this case is determined.
 - iv. The accused, if released on bail are ordered to attend court at all times as would be ordered from time to time till this case is determined.

It is so ordered.



DATED, SIGNED AND DELIVERED THIS 16TH DAY OF JULY, 2024.

D. O. OGEMBO

JUDGE

16/7/2024

Court

Case is hereby fixed for hearing. The prosecution is ordered to supply the defence with copies of witness statements and exhibits. Hearing on 8/10/2024.

