



State v Okoth (Criminal Case E017 of 2023) [2023] KEHC 20771 (KLR) (25 July 2023) (Ruling)

Neutral citation: [2023] KEHC 20771 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL CASE E017 OF 2023
DO OGEMBO, J
JULY 25, 2023**

BETWEEN

STATE PROSECUTION

AND

REAGAN STEPHEN OKOTH ACCUSED

RULING

- 1 The accused, Reagan Stephen Okoth, has applied to be released on bail pending trial. The oral application was made in court on July 3, 2023. In answer to the defence application, the Prosecution applied that a Pre-Bail Report be filed herein.
- 2 Article 49(1)(h) guarantees the right to Pre-trial bail to all accused persons irrespective of the nature of the charges they file. The right to bail, however, is not absolute. Same may be denied should there be proved the existence of a compelling reason or reasons that are good and strong enough as to justify the denial of the right to bail.
- 3 I have considered the Pre-Bail Report filed herein. The same raises 2 strong compelling reasons first, that the accused's own security would be in jeopardy in case he is released on bail. And secondly, the negative attitude of the accused's family members, the community and the general administration, who all oppose release of the accused on bail.
- 4 I find these twin issues to be strong compelling reasons that would justify the denial of accused on bail at this stage of the trial. I accordingly decline the application of the accused.
- 5 I order that the accused be remanded in custody for this moment. The accused shall however, be at liberty to renew his application for bail after 4 months, should that case remain unconcluded.
- 6 It is so ordered.

Dated, signed and Delivered at Siaya this 25th Day of July, 2023



D.O. OGEMBO

JUDGE

7.2023

Court:

Ruling read out in Open court in the presence of accused and Ms. Mumu for the State.

D.O. OGEMBO

JUDGE

7.2023

