



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. 22 OF 2018

BETWEEN

REPUBLIC.....PROSECUTOR

VERSUS

JARED OOKO ODIRA..... ACCUSED

RULING

1. **JARED OOKO ODIRA** is charged with the offence of murder. The prosecution has called three witnesses. Further hearing of this case is fixed for 7th February, 2022. The accused prays that the court review the terms of bail/bond. The accused has been in custody from the date of taking plea.

2. On 4th July, 2018 accused was granted bail set at Kshs.500,000 and like surety. On 4th November, 2019 the court the court further made the following orders:-

“Bail terms to remain the same or alternative cash bail of Kshs.300,000 also the accused’s mother, Joan Akoth to be examined as surety in addition to cash deposit.”

3. The accused did not raise the amount for bail. He made an oral application on 4th October, 2021 for review of the terms of bail.

4. The accused is facing a serious offence. The gravity of the offence is one of the considerations by a court when rendering a decision on bail. This was considered in the case **REPUBLIC VS. ROBERT ZIPPOR NZILU [2018] EKLK** as follows:-

“10. Gravity of the offence as a consideration was appreciated by Mbogholi Msagha, J in Criminal Application No. 319 of 2002 PRISCILLA JEMUTAI KOLONGE VS. REPUBLIC (unreported) at page 3, wherein he held as follows:-

‘However, the nature of the charge or offence and the seriousness of the punishment if the applicant is found guilty must be considered in applications of this nature. I subscribe to the observation that where the charge against the accused is more serious and punishment heavy, there are more probabilities and incentive to abscond, whereas in case of minor offences, there may be no such incentive.’”

5. The application for review of bail terms is declined. The terms previously set for bail are most reasonable.

RULING DATED AND DELIVERED AT KIAMBU THIS 18TH DAY OF NOVEMBER, 2021.

MARY KASANGO

JUDGE

Coram:

Court Assistant : Maurice

For DPP :- Mr. Kasyoka

For Accused :- Absent

Accused **JARED OOKO ODIRA**:-Present

COURT

RULING delivered virtually.

MARY KASANGO

JUDGE