



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**CRIMINAL CASE NO. 8 OF 2020**

**(CORAM: R. E. ABURILI - J.)**

**STATE..... PROSECUTION**

**VERSUS**

**KELVIN OTIENO OGEJO.....ACCUSED**

**RULING ON BOND**

1. The accused person herein was arrested on 12/5/2020 on allegations that he murdered the deceased Jacktone Odhiambo Ojuok. He has taken plea and denied the offence and applied for release on bail pending trial.

2. The Prosecution and victim's lawyer object to the release of the accused person on bond for reasons that he is a flight risk and that following the murder incident, he ran away to Uganda and changed contacts. That he was only arrested on 12/5/2020 upon his return. An affidavit to that effect has been sworn by CPL Suleiman on 21/5/2020 claiming that following the murder of the deceased on 29/2/2020 the accused escaped but his co-accused were arrested and are before court in Criminal Case No. 7 of 2020.

3. The officer claims that the accused is a cunning man who falsely alleges that his money Kshs. 240,000/= was stolen by police officers and that he was assaulted and that despite being advised to report to Bondo Police Station, he has refused to do so, yet he never raised the same issue before the Magistrate's court where he was presented upon being arrested.

The accused denies the allegations that he is a flight risk.

4. I have considered the application for bail and the objection thereto. I am alive to the fact that bond is constitutional right which is nonetheless not absolute. If the accused person is found to be a flight risk then he forfeits that right to bail pending trial.

5. An affidavit has been sworn by an investigator explaining how and why accused was arrested two months after the alleged murder.

6. I am satisfied that in the absence of any evidence to the contrary, the accused person is most unlikely to adhere to any bond terms given by this court which will render this case useless.

7. For those reasons, I hereby decline to release the accused person on bond and order that he shall be remanded at Kisumu Main Prisons and in isolation from other inmates.

8. In addition, I order that the accused person be tested for COVID-19 virus and that he shall only be kept together with other inmates upon results showing that he is free from the said virus.

9. Mention on 10/6/2020 for consolidation with Criminal Case No. 7 and to fix a suitable hearing date. Orders accordingly.

**Dated, signed and Delivered at Siaya, this 21<sup>st</sup> Day of May 2020.**

**R.E. ABURILI**

**JUDGE**