

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL CASE NO. 16 OF 2020

REPUBLICDPP

VERSUS

ZADDOCK OCHUKA AYIEKO.....ACCUSED

RULING

The accused person ZADDOCK OCHUKA AYIEKO, has filed this application dated 18.3.2020 seeking that he be released on bail on reasonable grounds pending trial and determination of his case. The application is supported by the affidavit of his advocate, Mr. Nick Omari, who has accordingly attached various documents in support of the same. The application came up for hearing on 29.5.2020. On the material date, counsel for the state, Ms. Onunga, intimated to the court that the state does not oppose the application of the applicant.

Pre-trial bail is a constitutional right of every accused person under Article 49(1)(h) of the constitution. The same right can only be denied if the prosecution shows the existence of any compelling reason good enough to justify a denial. In this case, the prosecution has not shown any such compelling reason. In fact, this application for bail is not opposed.

In the circumstances, I allow the applicant's application dated 18.3.2020 and order that the accused may be released on the following terms:

- i. Accused may be released on a bond of Ksh.500,000/= with 1 surety of a similar amount.
- ii. Accused is ordered never to contact and or interfere with any prosecution witnesses either directly or by proxy or agent till this case is determined.
- iii. The accused is ordered never to leave the jurisdiction of this court without a specific order of the court till this case is determined.
- iv. He is ordered to attend court at all times as may be ordered from time to time till this case is determined.

D. O. OGEMBO

JUDGE

5.6.2020

Court:

Ruling read out in the presence of Mr. Chadianya/Mr. Omari for the applicant, the applicant and Mr. Okeyo for the state.

D. O. OGEMBO

JUDGE

5.6.2020