

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MIGORI

CRIMINAL REVISION E010 OF 2020

JOEL OUMA JONYO.....APPLICANT

=vs=

REPUBLIC.....RESPONDENT

REVISION

I have considered the request made by **Mr. Ezra Awino Advocate**, for revision of the order made by **Hon. Maritim** on 28th October, 2020. The accused **Joel Ouma Jonyo alias Baba Owino** faces a charge of defilement contrary to Section 8(1) of the Sexual Offences Act.

The trial court granted the accused bond of Kshs. 200,000/= with one surety of the same amount. Somebody came to stand surety for the accused but the court declined to approve the said surety after assessing him as to his suitability as a surety.

The court has not denied accused bond as counsel has alleged. It is upon the accused to avail a surety who is acceptable to the court. It is the trial court that examines the surety to determine his suitability. The accused faces a serious offence. In evaluating a surety, the primary consideration by the court is to be satisfied that the surety will be able to avail the accused at the trial. This court will not interfere with the court's discretion to determine whether the surety is suitable or not. The court may interfere in the exercise of the Court's discretion only if accused had been unfairly denied bond or given unreasonable bond terms.

In the circumstances, I find no good reason to interfere with the discretion of the magistrate in determining who is a suitable surety. I decline to review the magistrate's order.

DELIVERED, DATED and SIGNED at MIGORI this 5th day of November, 2020

R. WENDOH

JUDGE