



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NYAMIRA**  
**MURDER CASE NO. 13 OF 2016**

STATE.....PROSECUTION

-VERSUS-

GEOFFREY OGETO ANYONA.....ACCUSED

**R U L I N G**

This is an application for bond by the accused person, **Geoffrey Ogeto Anyona** through Mr. Kaburi, the learned counsel representing him.

The accused person was charged for the offence of murder contrary to **Section 203** as read with **204 of the Penal Code**. The particulars thereof were that on the night of 10<sup>th</sup> of October 2014 at Tombe shopping Centre, Kigwa Sub-location, in Manga sub-location within Nyamira County, murdered **Sebastian Momanyi Apoko**.

The right to bail/bond by the accused person is confirmed by **article 49 (i) (h) of the Kenyan Constitution**, effective on 27<sup>th</sup> August 2010. It says:

**“An arrested person has the right to be released on bond or bail, on reasonable conditions pending a charge or trial, unless there are compelling reasons not to be released”**

Are there compelling reasons for the accused person not be released on bond?

The prosecution although did not object court to the effect that the accused person evaded being arrested for this offence for over two long years.

What bearing does this have on his application?

To deter the accused to disappear, the terms will be stiff.

Accordingly, the accused is therefore given a personal bond of Kshs. 1,000,000 with two sureties of similar amount on the following terms and conditions:-

1. That he attends court every 30 days for mention of his case until the hearing and determination of his case.
2. That anyone default to attend court without justifiable reason, the bond will be cancelled forthwith and the two sureties called to account.

**3. The sureties to be approved by the Deputy Registrar of this Honourable Court.**

And upon his release, the accused to attend court for his first such mention on 22<sup>nd</sup> March 2017.

Orders accordingly.

**Delivered at Nyamira High Court this 10<sup>th</sup> day of February, 2017.**

**C.B.NAGILLAH**

**JUDGE**

**In the presence of:-**

Kaburi for the accused

Ochieng for the Respondent

Mobisa - Court Clerk