

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 109 OF 2014

REPUBLIC.....PROSECUTOR

VERSUS

SHARON AKOTH OCHIENG.....ACCUSED

RULING

Sharon Akoth Ochieng is charged with the murder of James Ochieng Oduor that occurred on 17th November 2014 at Kioi within Soweto in Embakasi East District within Nairobi County. She has pleaded not guilty and pending the hearing and determination of this case, she has moved this court by way of Notice of Motion filed by her advocates, M/s Mohamed & Samnakay Advocates. The application is dated 22nd February 2016. She seeks orders to admit her on bail. The application is supported by grounds found on the face of it and in her supporting affidavit sworn on the same date.

In brief the accused is telling the court that she will attend court whenever required to do so and abide by the terms and conditions of bail this court may set; that the offence is bailable and that there are no compelling reasons advanced by the prosecution to persuade this court to decline her application.

The application is opposed by the prosecution relying on the replying affidavit of CPL Elijah Kinyua. The grounds for opposition are that the right to bail is not absolute; that the case is serious with strong evidence that may lead to conviction; that the accused is likely to interfere with prosecution witnesses and that she is likely to abscond.

I have considered the application and the grounds in support; the grounds advanced in opposition and oral submissions by opposing counsels. I am not persuaded that the prosecution has advanced compelling reasons to make me decline this application. I will and do hereby allow the application and set bond terms as follows:

- i. The accused shall execute a bond of Kenya shillings one million (Kshs 1,000,000) with one surety of similar amount. In the alternative the accused is at liberty to pay Kenya shillings five hundred thousand (Kshs 500,000).
- ii. She is cautioned against behaving in any manner that may subvert the cause of justice.

Orders shall issue accordingly.

Dated, signed and delivered in open court this 5th May 2016.

S. N. MUTUKU

JUDGE

In the presence of:

Ms Nduati for the prosecution

Mr. Saenyi for the accused

Ms Sharon Akoth Ochieng, the accused

Mr. Daniel Ngumbi, court clerk