



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 92 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

SUSAN MORAA OKETCH.....ACCUSED

RULING

Susan Moraa Oketch, the accused, has moved this court by way of Notice of Motion dated 13th November 2015 seeking to be admitted to bail pending the hearing and determination of this case. The accused faces a charge of murder contrary to section 203 as read with section 204 of the Penal Code. It is alleged that she killed Job Oketch Oino on 17th September 2015 at Kiambu Slums in Kamukunji Sub-County within Nairobi County. She pleaded not guilty to the charge.

She deposes in her supporting affidavit that her young children whom she left at home in Kiambu Slums are in need of care and protection and that she is also pregnant and life in remand prison is not conducive to her condition. She states that she will abide by the terms and conditions of bail/bond that the court may set.

The application is opposed by the prosecution relying on the replying affidavit of PC Richard Osoi one of the investigating officers. The grounds in opposition are that the accused knows the prosecution witnesses and she may interfere with them; that the offence is serious and the sentence is severe; that the right to bail is not absolute but a discretionary matter for the court. The prosecution counsel asked the court to decline the application.

I understand the prosecution counsel to be stating that there is fear that the accused may interfere with witnesses. However, there is no basis for such fear because no evidence has been availed to this court to support this.

Having considered the application, the supporting affidavit, the replying affidavit and the oral submissions in court, I find that I am not persuaded that there are compelling reasons to deny the accused bail. I will and do hereby allow the application and admit the accused to bail on the following terms:

- i. She shall execute a bond of Kenya shillings one million (Kshs 1,000,000) with one surety of similar amount.
- ii. In the alternative she shall deposit with the Registrar of this court cash bail of Kenya shillings five hundred thousand (Kshs 500,000)
- iii. She is also cautioned against interfering with the cause of justice.

Orders shall issue accordingly.

Dated, signed and delivered this 5th day of May 2016.

S. N. MUTUKU

JUDGE

In the presence of:

Ms Nduati, prosecution counsel

Mr. Saenyi, defence counsel

Ms Susan Moraa Oketch, the accused

Mr. Daniel Ngumbi, court clerk