



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL CASE NO. 91 OF 2015**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**MICHAEL OCHIENG ONYANGO.....1<sup>ST</sup> ACCUSED**

**EVANS OCHIENG RACHAR.....2<sup>ND</sup> ACCUSED**

**MICHAEL OTIENO NYADHIGO.....3<sup>RD</sup> ACCUSED**

**RULING**

The three accused persons came to this court seeking to be released on bond/bail pending the hearing and determination of this case. The three are charged with murder contrary to section 203 as read with section 204 of the Penal Code. It is alleged that the three jointly with others not before the court killed Rodgers Omunyokho Agol on 19<sup>th</sup> September 2015 at NACICO Plaza along Ladhies Road in Nairobi within Nairobi County. In a ruling delivered on 26<sup>th</sup> April 2016, this court allowed their respective applications and deferred setting of bail terms until after receiving pre-bail reports on each of them from the probation officer. This court has now received those reports.

I have carefully read the reports and I am satisfied with the details supplied in respect of each accused person. Terms and Conditions of bond/bail are normally set to secure the attendance to court of an accused person and also to remind him/her that he is an accused before the court and that he/she is under the custody of the court and is required to attend court for his/her trial until the same is fully heard and determined. Bearing this in mind, I hereby order that each of the accused persons shall:

- i. Be released upon executing a bond of Kenya shillings one million (Kshs 1,000,000) with one suitable surety of similar amount, or
- ii. In the alternative to pay cash bail of Kenya shillings three hundred thousand (Kshs 300,000).
- iii. They are reminded that court attendance is crucial and failure to attend court on the days the case is fixed by the court for hearing or mention will attract severe penalties.
- iv. They are also cautioned against behaving in any manner that may amount to subversion of justice in respect of this case.

Orders shall issue accordingly.

**Dated, signed and delivered this 12<sup>th</sup> day of July 2016.**

**S. N. Mutuku**

**Judge**