

REPUBLIC OF KENYA

Cases in Magistrate Courts

Criminal Case 44 of 2013

REPUBLIC.....PROSECUTOR.

VERSUS

BOB SAM OTIENO.....ACCUSED.

RULING.

The accused **BOB SAM OTIENO** is charged with murder C/Sec. 203 as read with S. 204 of the penal code. He pleaded not guilty to the charge/information and has through his Advocate Mr. Awech sought to be released on bond/bail pending the trial. Miss Valery the learned Advocate for the Republic did not object because in her own words she had not been given any reasons as to why the accused persons should not be released.

Article 49(1) (h) of the constitution guarantees accused's persons right to bond or bail, on reasonable terms unless there are compelling reasons not to be released. As the state counsel has stated that there are no such compelling reasons in this case, I do allow the accused's application upon the following conditions:-

- 1. That he shall execute a bond of Kshs.3 million and furnish the court with 2 (two) substantial sureties of similar amount.**
- 2. The sureties to be examined by the Deputy Registrar.**
- 3. That pending the trial the accused shall attend court once a month the first mention being on 9.5.2013 (in the event that bond is executed).**
- 4. Hearing on 11.6.2013.**

Signed, dated and delivered at Homa bay this 10th day of April, 2013.

E.N. MAINA

JUDGE

In presence of:-

Mr. Awech for accused person

Miss Valery for state

Eudice – Dholuo interpreter.

Accused person.

Interpretation – English/Dholuo.