



REPUBLIC OF KENYA

Cases in Magistrate Courts

Criminal Case 9 of 2012

STATERESPONDENT.

VERSUS

KENNEDY OCHIENG KISAKWA.....ACCUSED.

RULING.

The accused person is charged with murder C/Sec 203 as read with Sec 204 of the penal code. The particulars are that on 21.5.2012 at Ngera village in Suba District within Homa Bay County in the Republic of Kenya, jointly with others before court murdered Emmanuel Ochieng Odeny. He pleaded not guilty to the charge and has applied for bail/bond pending the trial.

Miss Valery – learned counsel for the Republic has intimated that she does not oppose the application but terms imposed ought to be such that the accused person shall not abscond.

Under Article 49(1)(h) of the constitution, an accused person is entitled to be released on bail on reasonable terms unless there are compelling reasons not to release him. The onus to prove such compelling reasons lie with the prosecution. In this case the counsel for the state does not object meaning there are no compelling reasons not to release the accused person.

In the circumstances his application is allowed upon the following terms:

- 1. That he shall execute a bond of Kshs.3 million with 2 substantial sureties of similar amount.***
- 2. That those sureties shall be examined and approved by the Deputy Registrar.***
- 3. That pending the trial the accused shall attend court for mention once every month.***
- 4. Hearing on 22.4.2013.***

Signed, dated and pronounced in open court at Homa Bay this 10th day of April, 2013.

E.N. MAINA

JUDGE

In presence of:-

Miss Valery for state

Mr. Nyawencha for accused

Accused person

Eudice – Dholuo/interpreter

Interpretation- English/Dholuo