



**Republic v Dooso (Criminal Case E016 of 2025)
[2025] KEHC 16214 (KLR) (10 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16214 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE E016 OF 2025**

AC BETT, J

NOVEMBER 10, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

MAURICE ODHIAMBO DOOSO ACCUSED

RULING

1. The accused, who was charged with the offence of murder, made a bond application, and the prosecution requested the pre-bail report.
2. Upon production of the pre-bail report, the prosecution stated it was not favourable for the accused to be granted bail/bond and aligned itself with the sentiments of the report.
3. The pre-bail report stated that the accused had separated from his wife after he had assaulted her during an argument. It further stated that the accused was known for his volatile temperament, which strained his relationship within the community. The accused family, although not well off, pray that he be released on a favourable bond term and commits that they would explore ways to secure the bond terms.
4. The community and the victim's family were, however, apprehensive about his release as he is known to have a history of being aggressive with an uncontrollable temper when angry, and they are not comfortable with him being released back to the community, stating that there is still unresolved tension between him and the victim's family.
5. Article 49 (1) (h) of *the Constitution* provides as follows: -

“

“(1) An arrested person has the right—



(h)to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.”

6. To give effect to Article 49 (1) (h), the legislature enacted Section 123A of the Criminal Procedure Code, which provides as follows: -

“(1) Subject to Article 49(1)(h) of *the Constitution* and notwithstanding section 123, in deciding on bail and bond, the Court shall have regard to all the relevant circumstances and in particular—

- a. the nature or seriousness of the offence;
- b. the character, antecedents, associations and community ties of the accused person;
- c. the defendant’s record in respect of the fulfilment of obligations under previous grants of bail; and the strength of the evidence of his having committed the offence;

(2) A person who is arrested or charged with any offence shall be granted bail unless the court is satisfied that the person—

- (a) has previously been granted bail and has failed to surrender to custody, and if released on bail (whether or not subject to conditions), he would likely fail to surrender to custody;
- (d) should be kept in custody for his own protection.”

7. An Accused person can only be denied bail if there are compelling reasons to do so; however, what constitutes compelling reasons has not been defined by *the Constitution* but depends on a case-by-case basis.

8. I have painstakingly analysed the pre-bail report. It is indicated that the Accused had threatened the victim’s family not to pursue the case but the prosecution did not file an affidavit to confirm the allegations of victim intimidation or threats to potential witnesses. In regard to the proposition that the Accused should not be released on bond due to fear that the community may retaliate, the offence was committed in March 2025 which is eight months ago. One would expect that tempers would have cooled by now. I am not convinced that the grounds advanced in the pre-bail report constitute compelling reasons to deny the Accused personal bail.

9. Ultimately, I find the application merited and admit the Accused to bail. I now make the following orders:-

- a. The Accused be and is hereby released on bond of Ksh. 300,000/= together with one surety of similar amount.
- b. The Accused shall keep off the vicinity of Kirundo village and Nyagwela village of Bungasi Sub-location during the pendency of these proceedings and in default, the bond shall stand cancelled.
- c. This order shall be served upon the Assistant Chiefs Kirundo village and Nyagwela village of Bungasi Sub-location, and the Chief, Musanda Location of Mumias West Sub-County for enforcement.

DATED, SIGNED, AND DELIVERED AT KAKAMEGA, THIS 10TH DAY OF NOVEMBER 2025.



A. C. BETT

JUDGE

In the presence of:

Ms. Chala for the State

Ms. Imbosa for the Accused

Court Assistant: Polycap

