

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT SIAYA
CRIMINAL(MURDER) CASE NO. E015 OF 2025

STATE.....
PROSECUTION

VERSUS

CHRISTOPHER OKELLO
OWINO.....ACCUSED

ROSELINE ATIENO OKELLO.....2ND
ACCUSED

RULING ON BAIL APPLICATION

1. Both accused persons herein have been charged with nine (9) counts of murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars are that on the 23rd day of April 2025 at Upanda village, Sigomere Sub-Location, East Uholo Location within Ugunja Sub-County in

Siaya County, they murdered **Jacinta Akinyi Ouma, Sheila Ouma, Loice Lorine Ouma, David Davis Ouma, Noela Atieno Ouma, Raya Brayen Ouma, Noel Leon Ouma and Meline Ouma.** The accused persons denied the charges and the matter is ongoing wherein two witnesses have so far testified.

2. Learned counsel for the defence has sought for review of bond for the accused persons in view of the fact that the prosecution has already lined up three witnesses in support of its case. Both counsels for the defence and prosecution proposed that a fresh pre-bail report be filed.
3. The County Probation Officer Siaya has duly complied and filed pre-bail reports dated 7th November 2025.
4. Mr. Obado learned counsel for defence submitted that the pre-bail reports are similar to the previous ones save only for the dates. Learned counsel wondered if his clients were interviewed by the probation officer. He submitted that the accused persons are able to secure sureties and that they will abide by the terms to be imposed by the court. Learned counsel denied the sentiments of the probation officer that the accused persons are a flight risk and that the hostility from the community can easily be avoided by the accused persons providing alternative accommodation. To this end, counsel submitted that the accused persons have a home in

Nairobi and therefore it is highly unlikely that the public would pursue them there.

5. M/s Kerubo for the prosecution submitted that they rely entirely on the pre-bail reports. That the probation officer contacted the community and established that the villagers are still hostile to the accused. That the accused are a flight risk and likely to harm members of the deceased family if released. That the accused persons should remain in custody until determination of the matter.
6. The pre-bail reports dated 7th November 2025 indicate inter alia; that the accused persons are a couple; that threats against the lives of the accused persons is rife on the ground and that the houses of the accused persons were burnt down and property looted as well as trees cut down; that members of the community who were interviewed were categorical that the accused persons would not set foot in the village and if they did so, they would not leave while alive and that the day they will be released on bond and before the next court's date, the accused persons would not arrive in court alive as the community is determined to revenge; that some of the family members of the victim reside in Nairobi and know where the accused person reside and are likely to visit their homes and eliminate them; that the area administrators have confirmed that they cannot guarantee the safety of the accused persons if released on bail; it was the view of the probation officer that the

accused persons are not suitable to be released on bond as there is nobody who can guarantee their safety if released on bond.

7. I have considered the submissions of both learned counsels for the prosecution and defence. I have also considered the pre-bail reports dated 7/11/2025. Indeed, the accused persons having pleaded not guilty to the charges are deemed to be innocent until proved guilty and are entitled to be released on bond pending trial unless the prosecution presents compelling reasons not to be released. Vide this court's ruling on bail dated 18/7/2025, this court denied the accused's request for bail pending trial but that they were to be at liberty to renew their request for bond once the key witnesses have testified. It is noted that so far the prosecution has called three witnesses and are yet to call others. As noted above, this court called for a fresh pre-bail report which was duly availed and is dated 7th November 2025. From the said report, it seems the ground is still hostile towards the accused persons herein. The accused persons through their learned counsel have indicated that they have alternative accommodation preferably Nairobi. It is instructive that the home of the accused persons was razed down by irate members of public who are still waiting for the accused person to be released so that they avenge the killing of nine members of one family. The probation officer has indicated that the lives of the accused persons are at risk and that they are not suitable to be released on

bond since there is nobody who can guarantee their safety if released. Even though learned counsel for the defence maintains that there is an alternative accommodation in Nairobi where the villagers will not manage to reach the accused persons, the pre-bail reports have indicated that the villagers are still ready to liaise with family members of the deceased who reside in Nairobi and to pursue the accused persons once released on bond. It is therefore clear that the issue of the accused lives being in danger is still rife. The issue of the alternative accommodation has not been properly presented by the defence in that they have not indicated that they have other alternative accommodation other than Nairobi. The probation officer has clearly indicated that nobody has come forward to guarantee the safety of the accused persons once released on bond. Indeed, the responsibility over the provision of security of all citizens lies with the state through National Police Service. It is common knowledge that even with police handling security matters throughout the country, several people have lost their lives. It is also not in doubt that the police are not able to offer security for every individual as they are stretched going by the current statistics of one police man to forty Kenyans. Hence, the issue of security of persons is still quite a challenge for many Kenyans. Due to the fact that members of the community have not lessen their anger as they still maintain that they will kill the accused persons as soon as they are released, it is my finding that the lives of the

accused persons are still at risk. It is appropriate to decline release of the accused persons at this stage but they will still be at liberty to seek to renew their quest for bond pending trial at any stage once circumstances change.

8. In the result, it is my finding that the request by the accused persons to be released on bond lacks merit. The same is dismissed.

Dated and delivered at Siaya this 21st day of November 2025.

**D. KEMEI
JUDGE**

In the presence of :

Christopher Okello Owino.....1st accused.

Roseline Atieno Okello.....2nd accused.

Mutua for Obado.....for both accused.

M/s Kerubo.....for Respondent.

Maureen/Kimaiyo.....Court Assistant.

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