



**Republic v Omonywa (Criminal Case E032 of 2025)
[2025] KEHC 17912 (KLR) (2 December 2025) (Directions)**

Neutral citation: [2025] KEHC 17912 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL CASE E032 OF 2025**

DK KEMEL, J

DECEMBER 2, 2025

BETWEEN

REPUBLIC PROSECUTION

AND

IGNATIUS OBWOGI OMONYWA ACCUSED

DIRECTIONS

1. The accused herein Ignatius Obwogi Omonywa faces a charge of murder contrary to section 203 as read with 204 of the Penal Code. The particulars are that on 19th October 2025 at Odiedo village, Karapul Sub Location in Siaya Sub County, within Siaya County murdered Amelia Hope Ouga.
2. The accused denied the charge and subsequently a plea of not guilty was entered for him.
3. During the pre-trial conference, the prosecution through the investigating officer filed an affidavit dated 21st November 2025 in which it sought to oppose the release of accused on bond pending trial. The said affidavit raised a raft of issues inter alia; that the life of the accused will be in danger from aggrieved members of public and that his permanent place of abode is unknown thereby rendering him a flight risk.
4. M/s Kerubo, learned counsel for the prosecution made some oral submissions in support of the prosecution's request to deny the release of the accused on bond pending trial inter alia; that the life of the accused is in danger due to threats from members of public; that the members of public have been agitated and yarning to get the accused with a view to avenging for the death of the deceased; that the accused's rental house has since been handed over to the landlord when members of public sought to burn it down; that if the accused is released then the public will lynch him; that the accused's specific place of abode within Kisii County is yet to be established; that there is no guarantee that the accused will attend court; that the bond be denied and the case given a hearing date on priority basis since the prosecution has already supplied the requisite committal bundle to the defence.



5. Mr. Okanda learned counsel for the defence submitted inter alia; that the right to bail is a constitutional right guaranteed under Article 49(1)(h) of *the Constitution*; that the accused is entitled to enjoy the presumption of innocence until proved guilty; that bail should not be denied on flimsy grounds and that denial of a constitutional right to liberty must not be made on the basis of conjecture; that the accused is a student at the university and who hails from Kisii and that the prosecution is aware of his place of abode; that no evidence has been shown to the effect that there is real danger; that the purpose of bail is to ensure attendance of an accused at the trial and that the amount of bail varies regarding the circumstances of the accused; that the court be inclined to reject the opposition to bond by the prosecution.
6. Upon perusal of the rival submissions by counsels, it has emerged that the central issue in contention is whether the accused's life will be in danger if released and whether the accused has a known place of abode in his home county of Kisii. I find that this issue can properly be resolved by the presentation of a pre-bail report and/or social inquiry regarding the accused. This will then enable the court to adequately determine the issue whether or not to grant bond pending trial to the accused herein.
7. In view of the foregoing observations, it is my view that the ruling on bail should be deferred pending the filing of a pre-bail report by the County Probation Officer. Towards this end, the County Probation Officer is hereby directed to file the requisite report as a matter of urgency and to be ready on or before the 5th December 2025. Consequently, this matter is fixed for mention on the said 5th December 2025 to confirm compliance and for further directions.

DATED AND DELIVERED AT SIAYA THIS 2ND DAY OF DECEMBER 2025.

D. KEMEI

JUDGE

In the presence of:

Ignitius Obwogi Omonywa.....Accused

Ochanyo for Okanda.....for Accused

M/s Kerubo.....for Prosecution

Maureen.....Court Assistant

