

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT THIKA**  
**CRIMINAL CASE NO. E018 OF 2024**

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**REPUBLIC.....PROSECUTION/  
RESPONDENT**

**VERSUS**

**PAUL OOKO  
OTIENO.....ACCUSED/APPLICANT**

**R U L I N G**

**Brief facts**

1. The application for determination is dated 20<sup>th</sup> November 2025 seeking for review of the bond terms issued by the court and grant the applicant reasonable bond terms of Kshs. 500,000/- with an alternative of cash bail of Kshs. 200,000/-.
2. The applicant states that he was charged with the offence of murder and was arraigned before the instant court. He further states that the court graciously ordered for his release on bond in the terms of Kshs. 1 million bond. The applicant argues that the said amount is quite excessive to him and his family have only managed to raise Kshs. 200,000/- in cash and Kshs. 500,000/- in bond.

3. The accused states that he is ready and willing to abide by any terms that the instant court may impose as a precondition to his admission to bail or bond.
4. In opposition to the application, the respondent filed a replying affidavit and submissions dated 25<sup>th</sup> November 2025 and states that the applicant was charged with murder contrary to Section 203 as read with section 204 of the Penal Code. The applicant pleaded not guilty and the bond terms were set thus a bond of Kshs. 1 million with a surety of similar amount.
5. The respondent states that the applicant's bond terms earlier set are very reasonable considering the magnitude of the offence which is very serious. Further, the bond terms are commensurate to the charges levelled against the applicant.
6. The respondent states that the bond term set is meant to ensure that the applicant attends court without fail. Further no peculiar circumstances have been advanced by the applicant to warrant upsetting the earlier bond terms.

### **The Law**

7. In granting bail/bond, the court must ensure that bail or bond terms must not be excessive or unreasonable and should not be far greater than what is necessary to

ensure or guarantee the accused person's appearance before court.

8. The **Bail and Bond Policy Guidelines** at paragraph **3.1 (d)** underpins the right to reasonable bail and bond terms as follows:-

**Bail or bond amounts and conditions shall be reasonable, given the importance of the right to liberty and the presumption of innocence. This means that bail or bond amounts and conditions shall be no more than is necessary to guarantee the appearance of an accused person for trial. Accordingly, bail or bond terms should not be excessive, that is, they should not be far greater than is necessary to guarantee that the accused person will appear for his or her trial.**

**Conversely, bail or bond amounts should not be so low that the accused person would be enticed into forfeiting the bail or bond amount and fleeing. Secondly, bail or bond conditions should be appropriate to the offence committed and take into account the personal circumstances of the accused person. In the circumstances, what is reasonable will be determined by reference to the facts and circumstances prevailing in each case.**

9. In the present case, the accused person is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. A plea of not guilty was entered on 24<sup>th</sup> June 2024 and was granted a bond of Kshs. 1 million with one surety of similar amount. Although the accused person has proposed to cash bail of Kshs 200,000/- and Kshs. 500,000/- in bond, the court considers the same to be on the lower side

considering the seriousness and gravity of the offence. The purpose of bail is to ensure the accused person attends court when required to do so and this calls for reasonable terms of bail. If the terms are too low, an accused person may take them for granted and find no need to attend court. It is further taken into consideration that this is a problematic case when it comes to the prosecution bonding witnesses which has led to the summoning of the DCI and the investigating officer to court to explain why out of eleven (11) witnesses, not one was available in court during the last hearing date on 24<sup>th</sup> November 2025. This statement does not blame the defence on a task that is not under their docket, that of bonding witnesses, but it is important to give a thought in the occurrence that is, in my view a bit unusual.

10. It is my considered view that the bond of the accused which has been reviewed beforehand should remain undisturbed for the reasons given in this ruling.

11. Accordingly, the application dated 20<sup>th</sup> November 2025 lacks merit and is hereby dismissed.

12. It is hereby so ordered

***RULING DELIVERED VIRTUALLY, DATED AND SIGNED  
AT THIKA THIS 11<sup>TH</sup> DAY OF DECEMBER 2025.***

**F. MUCHEMI  
JUDGE**