



**Republic v Okere & 2 others (Criminal Case E001 of 2026)
[2026] KEHC 103 (KLR) (19 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 103 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL CASE E001 OF 2026
DK KEMEL, J
JANUARY 19, 2026**

BETWEEN

REPUBLIC PROSECUTION

AND

FRANCIS ANG’AWA OKERE 1ST ACCUSED

MESHACK NDIEGE OKUKU 2ND ACCUSED

JOASH ODHIAMBO ONGORO 3RD ACCUSED

RULING

1. I have considered the defence request for release of accused persons on bond pending trial as well as the objection by the prosecution. I have taken into consideration the submissions of all learned counsels for the prosecution, defence and family of the deceased. I have also considered the brief testimony of the investigating officer No. 112661 Pc Winston Obare vide his affidavit and upon being cross examined and re-examined accordingly. It is not in dispute that all three accused persons have denied the charge and hence they now enjoy the presumption of innocence until proved guilty. Vide the provisions of Article 49(1) (h) of *the Constitution*, an arrested person has the right to be released on bond or bail on reasonable conditions pending a charge or trial unless there are compelling reasons not to be released. It is also not in dispute that the lower court at Bondo had granted cash bails to the accused persons vide Misc. Application No. E184/2025 pending the formal murder charge in the High Court and that the matter was placed before the Deputy Registrar on 12/1/2026 who extended the bonds to today. It is also not in dispute that upon the closure of the Bondo Cr. Misc. file No. E184/2025, the cash bails are deemed to have been refunded to the accused persons before taking the plea in the High Court. It is also not in dispute that one of the witnesses (Hezron Nyamburi) was killed on 16th January 2026 during the pendency of these proceedings and that investigations are currently being conducted. It is also not in dispute that from the several OB reports presented, there have been reports of threats to several persons and that from the look of things the situation on the ground appears still volatile. It is



also not in dispute that the police have since engaged the Witness Protection Agency to come in and put the witnesses under the Witness Protection Programme. It is also not in dispute that at the time the accused persons were presented before the Bondo Law Courts vide a Misc. Application, the situation on the ground had not deteriorated so much so that when another person was killed on 16th January 2026, there was need for the police to put a thorough spotlight in the area. I find that the concerns raised by the prosecution have merit and must be taken into consideration. The court has also considered the concerns and circumstances of the accused persons. I find that there is need to call for Pre-bail reports in this matter and which should be furnished by the County Probation Officer within the shortest time possible for the court's consideration. In that regard, I find that the prosecution has presented compelling reasons to deny the accused persons bond pending trial for now pending the presentation of pre-bail reports. As regards the health concerns of the accused persons, the Prison Authority is under duty and obligation to consider concerns of prisoners in its facility.

2. In view of the foregoing observations, I issue the following directions:

1. The request for bail pending trial by all accused persons is declined for now pending a pre-bail report.
2. The Siaya County Probation Officer is hereby directed to file a pre-bail reports within two (2) days from the date hereof.
3. The prosecution do supply the defence with copies of the committal bundles forthwith.
4. Matter be mentioned on 22/1/2026 to confirm filing of the pre-bail reports and for further orders.
5. The accused persons be remanded at Siaya GK Prison and be produced on 22/1/2026.
6. The OIC Siaya GK Prison is directed to escort any of the accused persons to hospital for medication if need be.

DATED AND DELIVERED AT SIAYA THIS 19TH DAY OF JANUARY 2026.

D. KEMEI

JUDGE

In the presence of:

Francis Ang'awa Okere.....1st Accused.

Meshack Ndiege Okuku.....2nd Accused.

Joash Odhiambo Ongoro.....3rd Accused.

Onsongo & Ochanyofor all Accused persons.

Soita & Mumu.....for Prosecution.

OdenyoWatching brief for family of deceased.

Maureen/Kimaiyo.....Court Assistant.

