



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Were (Criminal Case E009 of 2025)
[2026] KEHC 2556 (KLR) (26 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2556 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL CASE E009 OF 2025
AN ONGERI, J
FEBRUARY 26, 2026**

BETWEEN

REPUBLIC PROSECUTOR

AND

WILLIAM OKUTOYI WERE ACCUSED

RULING

1. The Learned Counsel for the Accused Person Mr. Mwanyumba made an oral application on 27th January 2026 for the Accused Person to be released on reasonable bail terms pending trial.
2. The court directed that a pre-bail report be filed before the said application is considered.
3. The report dated 23rd February 2026 was filed on the same date.
4. This court has considered the said report. It states that the Accused Person is an industrious educated individual with strong family support and no prior criminal record. He is a Maseno University graduate.
5. The report also states that the mother of the victim is strongly opposed to the Accused being granted bond for reasons that she is suffering profound resentment and a lack of confidence in the release of the Accused Person.
6. The prosecution is also opposed to the granting of bond for reasons that one of the witnesses stays with the Accused person and there are chances of interference.
7. I have considered the submissions by both the Defence Counsel and the Prosecution. I have also considered the legal framework for granting bail.
8. Article 49(1) of *the Constitution* states that every accused person is entitled to reasonable bail or bond pending trial unless there are compelling reasons not to grant bond.



9. Article 50(2)(a) of *the Constitution* provides that every Accused Person is presumed innocent until proved guilty.
10. In this case the apprehension by the prosecution that the accused might interfere with one of the witnesses is not a compelling reason.
11. The same can be taken care of by giving the Accused restrictions.
12. I find that the pre-bail report is also favourable and it has recommended that the Accused be released on reasonable bail/bond terms.
13. I grant the Accused Person a bond of Kshs. 500,000/= with one surety of similar amount.
14. The family of the Accused Person to ensure that the witness stays at a different location with the Accused Person until the said witness has testified.
15. The family also to ensure that the Accused Person is taken for medical intervention while on bond.
16. Mention 9th April 2026 for the pre-trial conference.
17. The prosecution to serve the defence with witness statements.

DATED, SIGNED AND DELIVERED THIS 26TH DAY OF FEBRUARY, 2026 IN OPEN COURT AT VOI.

ASENATH ONGERI

JUDGE

In the presence of:-

Court Assistant: Mabishi/Millicent

Prosecutor: Ms. Kanyuira

The Accused Person present at Manyani

Mr. Mwanyumba for the Accused

