



REPUBLIC OF KENYA



**Republic v Otieno & another (Criminal Case E013 of 2021)  
[2025] KEHC 11988 (KLR) (Crim) (29 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11988 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CRIMINAL  
CRIMINAL CASE E013 OF 2021**

**AM MUTETI, J**

**JULY 29, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**EDWIN ODIWUOR OTIENO ..... 1<sup>ST</sup> ACCUSED**

**SAMUEL OKOTH ADINDA ..... 2<sup>ND</sup> ACCUSED**

**RULING**

1. The applicant in this matter was an accused person in HCCRC No. E013/2021.
2. The applicant was granted bail in the sum of Ksh. 500,000/= and was released upon the sum being deposited in court.
3. The receipt for the cash bail was issued in the name of the firm of Mwendwa Mwinzi & Associates Advocates.
4. The Applicant by way of a Notice of Motion dated 26<sup>th</sup> June 2025 moved this court for the release of the cash bail to him following difficulties he has had with his counsel regarding the cash bail.
5. The Application was served upon the Advocates concerned and on record is an affidavit of service sworn by Ouko Nyamanga Advocate on 12<sup>th</sup> August 2025 clearly indicating that serve was done as ordered by the court.
6. It is abundantly clear from the annexures to the affidavit that service was effected through email and WhatsApp which are recognized modes of service under the law.



7. The Gazette Notice No. 2357 of 4<sup>th</sup> March 2020 published under the hand of the Chief justice of the Republic of Kenya provides under clause 13(I) that electronic service of documents is a recognized mode of service thus the service effected upon the respondent in this matter was proper in law.
8. The Respondent did not appear at the hearing of the application on the 14/8/2025 thus the matter proceeded ex parte.
9. The court is inclined to grant prayer 2 in the Notice of Motion.
10. The funds held pursuant to the receipt No. DCA 0002230 dated 24/8/2021 shall be released to the Applicant forthwith.
11. There shall be no order as to costs.
12. It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 15<sup>TH</sup> DAY OF AUGUST 2025.**

**A. M. MUTETI**

**JUDGE**

In the presence of:

Court Assistant: Kiptoo

Nyamanga for the Applicant

No appearance for Respondent

**DATED, SIGNED AND DELIVERED IN VIRTUAL COURT AT NAIROBI THIS 29<sup>TH</sup> DAY OF JULY 2025.**

**A. M. MUTETI**

**JUDGE**

In the presence of:

Kiptoo: Court Assistant

Ajiambo for the Accused

Ms Njoroge for the state

Accused - present

