



**Republic v Ochieng (Criminal Case E017 of 2023)
[2024] KEHC 657 (KLR) (25 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 657 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE E017 OF 2023
A. ONG'INJO, J
JANUARY 25, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

HILLARY OTIENO OCHIENG ACCUSED

RULING

1. The accused Hillary Otieno Ochieng' faces a charge of murder contrary to Section 203 as read together with Section 204 of the [Penal Code](#) Cap 63 Laws of Kenya.
2. Particulars of the offence are that on the 23rd July 2023 at Jomvu Area, Changamwe Sub-County within Mombasa County, the accused person with another not before court jointly murdered Philip Rodi Opuk.
3. The accused person was arraigned in court on 28th August 2023 and processed for purpose of taking plea. The accused pleaded not guilty on 18th September 2023 and the court called for a Pre-Bail Report.
4. Upon receiving the Pre-Bail report dated 26th September 2023, and the affidavit by the Investigating Officer opposing bail, this court granted the accused person bond of Kshs. 500,000/- with surety of a similar amount.
5. On 29th November 2023, the accused person's advocate applied for review of bond terms for reasons that the accused was unable to get security valued at Kshs. 500,000/- He prayed that the court gives an option of cash bail.
6. The bond terms were granted despite objection by the Investigating Officer and the brother of the deceased who was interviewed by the Probation Officer.
7. The bond terms granted are commensurate with the offence that the accused is alleged to have committed and if the accused person is not able to raise the security, the best that this court can do



is to expedite the trial and consider in the course of trial whether there are any circumstances that are favourable to review of the bond terms. For now, the bond terms that were granted on 28th September 2023 will remain in force.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,
THIS 25TH DAY OF JANUARY 2024**

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of: -

Abdul- Court Assistant

Mr. Ngiri for the State

Mr. Hamisi Salim Advocate for the Accused

Accused present in person

HON. LADY JUSTICE A. ONG'INJO

JUDGE

