



REPUBLIC OF KENYA

Cases in Magistrate Courts

Criminal Case 17 of 2013

**REPUBLIC.....PROSECUTOR
VERSUS**

STEPHEN OTIENO ABONGO *alias* KAGOLAH

MAURICE OKOTH ADONGO *alias* OGWAJOACCUSED.

RULING

The accused persons who are charged with murder c/sec 203 as read with S. 204 of the Penal Code have applied to be released on bond pending their trial.

The State did not object to the application but noted that the 2nd accused is a fisherman in the deep waters of Lake Victoria. She urged that the terms be such that the accused persons shall not be tempted to escape. Although that application was made on 16.4.2013 the court reserved its ruling to 26.4.2013 so as to set the conditions. It did not sit on 26.4.2013 and so the ruling was deferred to 2.5.2013.

Bail is a Constitutional right unless there are compelling reasons – Article 49(1)(h) of the Constitution. In this case the state has intimated that it has no objection meaning that there are no compelling reasons not to release the accused persons.

Accordingly I do grant bond to the accused persons upon the following terms:-

- a) ***That each shall execute a bond of Kshs. 3 million and furnish the court with 2 substantial sureties.***
- b) ***The Deputy Registrar to approve the sureties.***
- c) ***That pending the trial, the accused persons shall attend court once every month for the mention of the case first mention being on 29.5.2013.***
- d) ***Hearing on 19.6.2013.***
- e) ***Until a condition (a) is met they be remanded in custody.***

E.N. MAINA

JUDGE.

Signed, dated and delivered at Homa Bay this.....3rd.....day ofMay.....2013.

E. N.MAINA

JUDGE.

In presence of:

Miss Eudice Dholuo interpreter.
Miss Valary for the Republic
Miss Nekesa for the Accused.
Accused persons.