



**Republic v Kemboi (Criminal Case E001 of 2023)
[2023] KEHC 18260 (KLR) (31 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 18260 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E001 OF 2023**

JK SERGON, J

MAY 31, 2023

BETWEEN

REPUBLIC PROSECUTOR

AND

ERIC KIPRONO KEMBOI ACCUSED

RULING

1. Eric Kiprono Kemboi, the accused herein. He is charged with the information of murder contrary to section 203 as read with 204 of the [Penal Code](#). Particulars of the information dated January 16, 2023, are that on May 13, 2020 at Kapsok in Soin/Sigowet, sub-county within Kericho county, the accused murdered Japhet Kipyegon Korir.
2. The accused, according to the court records, was only arrested on January 7, 2023 two years and eight months after the alleged offence of murder. He was mentally examined on January 13, 2023 and found to be mentally sound and fit to stand trial.
3. On February 8, 2023, the accused took plea and pleaded not guilty to the charge of murder. It is then that the court appointed advocate, Miss Chepng'etich, sought to have the accused released on reasonable bond terms, as he has a fixed abode and therefore was not a flight risk. Miss Chepng'etich learned counsel for accused, reiterated that the accused would avail himself whenever he will be required.
4. Mr Musyoki learned Assistant Director of Public Prosecutions requested for a pre-bail assessment report on the suitability of the accused person being released on bond pending trial before he could respond to the application for bond and this court did order for the said report and the matter set down for pre-trial conference.
5. The probation officer filed a pre bail report dated May 24, 2023. In the aforesaid report, it is noted that the accused attended school in his formative years but dropped out due to family challenges and lack of



parental support as his parents had separated and no one was willing to pay his school fees, the accused relies on manual and/or casual jobs to fend for himself. The accused person is willing to abide by the bond terms and to ensure that he attends court proceedings without failure.

6. The deceased's family indicated that the accused's family had initiated reconciliation and they were willing to have reconciliation talks and perform the necessary cleansing rituals, they were therefore not opposed to the accused being released on bond.
7. The accused's family were not opposed to the accused being released on bond, additionally they were willing to ensure he reports to court without fail.
8. The area administration and community stated that they did not harbor any hostility with the accused, they therefore were not opposed to the accused being released on bond. Furthermore, the accused has relatives who promised to harbor him and ensure he reports to court, they were willing to deposit the required security in court for bond.
9. The probation officer stated that there was no compelling reason warranting the court to deny the accused person bond. The probation officer therefore recommended that the accused be granted bond and afforded the opportunity to attend court proceedings whilst out of custody.
10. I have considered the oral application for bond and contents of the pre bail report and I find that the report is favourable. Albeit bail is a constitutional imperative, it is not absolute and the court is under a duty to inquire into the social circumstances of an accused person, on whether he is suitable for release on bail or he may abscond, thereby rendering the proceedings an academic exercise as well as whether he is likely to interfere with witnesses or whether his own life is at risk.
11. I hereby admit the accused to bail. Consequently, he should be release upon signing a bond of Kshs 100,000/= with one surety of like sum.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 31ST DAY OF MAY, 2023

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J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor - Musyoki

Miss Chepng'etich for the Accused

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