



**Republic v Mutai (Criminal Case E027 of 2023)  
[2023] KEHC 26724 (KLR) (20 December 2023) (Ruling)**

Neutral citation: [2023] KEHC 26724 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CRIMINAL CASE E027 OF 2023  
JK SERGON, J  
DECEMBER 20, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**JAPHETH KIBET MUTAI ALIAS STUKA ..... ACCUSED**

**RULING**

1. Japheth Kibet Mutai alias Stuka, the Accused herein is before this Court facing a charge of Murder Contrary to Section 203 as read with Section 204 of the Penal Code.
2. The particulars of the offence are that on the 5<sup>th</sup> day of November, 2023 at Keben Village in Belgut Sub-County within Kericho County, the Accused Murdered Eric Kiprono Cheruiyot. The Accused pleaded not guilty to the offence.
3. The Accused, through his Advocate M/s Chebet Kirui applied to this Court for the Accused to be admitted to bail pending trial.
4. Mr. Musyoki, Learned Senior Assistant Director of Public Prosecutions did not indicate whether or not there exists compelling reasons to deny the Accused Person bond. In fact he merely asked this Court to call for a Pre-bail Report. This Court directed the Kericho County Probation Officer to file a Pre-bail Report on the Accused within 7 days from the date of plea.
5. At the time of writing this Ruling, the Probation Officer had not filed the Pre-bail Probation Report.
6. Article 49 (1)(h) of *the constitution* of Kenya, 2010 expressly states that an arrested person has the right inter alia to be released on bond or bail, on reasonable conditions pending a charge or trial, unless there are compelling reasons not to be released.
7. In the instant Application, no compelling reasons have been shown to exist to enable this Court deny the Accused Person being admitted to bond.



8. In the end, I issue an order admitting the Accused to bond pending trial. Consequently, the Accused Namely:- Japheth Kibet Mutai alias Stuka be released from custody pending trial upon signing a bond of Kshs.200,000/= with one surety of like sum.

**DATED, SIGNED AND DELIVERED THIS 20TH DAY OF DECEMBER, 2023.**

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**J.K. SERGON**

**JUDGE**

In the presence of:-

Kiprono holding brief for Miss Chebet Kirui for the Accused

Karanja for the State

