



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT ELDORET**

**CRIMINAL CASE NO. E063 OF 2021**

**REPUBLIC.....STATE**

**VERSUS**

**ANN YANO MOSOP.....ACCUSED**

**RULING ON BAIL/BOND:**

1. Under the Constitution bond or bail is now a Constitutional right which can only be denied where the prosecution proves compelling reasons.
2. The accused to be released on bail or bond. The application is not opposed by the prosecution. That means that the remaining issue is the terms upon which bond or bail can be considered.
3. I have considered a Pre-bail Report filed here by the Probation Service on 14/12/2021. The report indicates that the accused is a mother of 9 and sole provider of her children. Further, that the Community is willing to receive her back to community. The Report recommends her release on bail.
4. The report, however, also indicates that the victim's family is not prepared to have the accused released on bond. However, the report also noted that any release will not interfere with witnesses.
5. I have carefully considered the application for release on bond. As I have said, the application is not opposed. Further to it, the applicant has a Constitutional right to be released on bail. I have also noted that there are no compelling reasons why this Court cannot release the accused on bail or bond.
6. Pursuant to the foregoing I find that the accused merits release on bond/bail.

Therefore I admit her to bond/bail on the following terms:-

**i. Bond of Kshs 200,000/= with one surety of similar amount, or, alternatively;**

**ii. Cash bail of Kshs 80,000/=**

7. That is the ruling of the Court.

**E. OGOLA**

**JUDGE**

**RULING DATED, SIGNED AND DELIVERED AT ELDORET THIS 26<sup>TH</sup> DAY OF JANUARY, 2022.**