

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BOMET

CRIMINAL CASE NO. E025 OF 2021

REPUBLIC.....PROSECUTOR

VERSUS

SIMEON CHERUIYOT LANGAT.....ACCUSED

RULING

1. Simeon Cheruiyot Langat (Accused) is charged with the offence of murder contrary to section 203 as read with Section 204 of the Penal Code. He is alleged to have murdered one Raphael Kiprono Bett on 5th November, 2021 at Kapsegere sub-location of Chebangang location in Konoin Sub-County within Bomet County.
2. The accused took plea on 1st December, 2021 and denied the charge. Defence Counsel Ms. Chepkemoi then requested the filing of a Probation Officer's Report to aid the defence in seeking favourable bond terms:
3. At the pre-trial proceedings on 1st March, 2022, defence counsel applied for bail pending trial. In urging the application, Counsel submitted that the Accused was not a flight risk and would not interfere with witnesses. Counsel further submitted that the Accused was a widower as his wife had passed on in 2010 leaving him with 3 children to raise. She sought favourable bond terms.
4. Mr. Waweru for the Prosecution submitted that they had no position and relied on the Probation Report.
5. I have considered the application. Under Article 149 of the Constitution bail is a right available to the Accused where there are no compelling reasons. Where there are compelling reasons to deny a suspect or accused bail, then it is the duty of the State to demonstrate such reasons **Republic V. Danson Mgunya and Kassim Sheebwana Mohammed, 2008 eKLR.**
6. In this case the Prosecution has not raised any opposition or drawn the attention of the court to any compelling reasons. The Bail Assessment Report filed in court on 1st March, 2022 states that the victims were not opposed to the accused's release as they waited for justice to be served.
7. Having found no compelling reason, I grant the accused a bond of Kshs. 300,000/= with one surety of similar amount. The Accused shall attend his trial without fail.
8. Orders accordingly.

RULING DELIVERED, DATED AND SIGNED AT BOMET THIS 24TH DAY OF MARCH, 2022.

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R. LAGAT-KORIR

JUDGE

Ruling delivered in the presence of Mr. Muriithi for the State, Mr. J.K. Koech holding brief for Ms. Chemutai for the Accused and Kiprotich (Court Assistant).