



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Rono (Criminal Case E013 of 2022)
[2022] KEHC 13342 (KLR) (28 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 13342 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
CRIMINAL CASE E013 OF 2022
RL KORIR, J
SEPTEMBER 28, 2022**

BETWEEN

REPUBLIC PROSECUTOR

AND

AMOS KIPROTICH RONO ACCUSED

RULING

1. This ruling is in respect of the accused's application to be released on bail pending trial.
2. The accused Amos Kiprotich Rono 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 Emmanuel Cheruiyot Chepkwony on May 16, 2022 at Kiptenden Village Ndanai Location in Sotik Sub-County within Bomet County.
3. In making the application, Mr Kadet learned defence counsel told the court that the bail assessment report filed by the probation officer on September 16, 2022 was favourable to the accused as there was no hostility on the ground and particularly between the families of the accused and the deceased. Counsel submitted that there were no compelling reasons to deny the accused bond.
4. Mr Njeru learned prosecution counsel opposed the application on grounds that the accused was a serial offender. He submitted that the accused was facing a case of attempted murder at Sotik Principal Magistrates Court which equally carried a life sentence if convicted. Counsel urged to the court not to admit the accused to bond as he was a flight risk because of the multiple serious charges that he faced. Counsel urged the court not to release the accused pending the outcome of the attempted murder charge.
5. In a rejoinder, Mr Kadet urged the court to release the accused as it was his constitutional right to be admitted to bail. Counsel further told the court that the families of the accused and deceased were in



the process of seeking traditional reconciliation and would soon be reconciled and therefore there was no reason to deny the accused bail.

6. Article 49(i) (h) grants any suspect the right to bail. It provides:-
 - (1) An arrested person has the right—
 - a.
 - (h) 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 this case there was no argument that bail is a constitutional right available to any suspect or accused person. The right is only limited by the existence of compelling reasons. (See Judiciary's Bond and Bail Policy Guidelines of 2015 at page 25 and the case of *Kelly Kases Bunjika vs. Republic [2017] eKLR*)
8. It is also important to recall that the primary purpose of bail is to secure an accused's attendance at his trial (see *Supreme Court of the United States of America in the case of Stack v Boyle U.S. 1.3.1951*)
9. In this case the prosecution has argued that the accused was facing two serious charges one of murder and the other of attempted murder. That the possibility of multiple convictions would make the accused a flight risk.
10. I am persuaded by the argument above that indeed multiple serious charges would make the accused abscond his trial. The possibility of conviction and long jail terms would provide the motivation to abscond trial. I find this to be a compelling reason not to grant the accused bail. Further, the multiple offences and his antecedents make him a dangerous person to be released into society.
11. In the end, I am disinclined to grant the accused bail. He will remain in custody pending trial or until further orders of this court.

Orders accordingly.

RULING DELIVERED, DATED AND SIGNED AT BOMET THIS 28TH DAY OF SEPTEMBER, 2022

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R. LAGAT-KORIR

JUDGE

Ruling delivered in the presence of Mr. Njeru for the State, Mr. Kadet for the Accused and Kiprotich (Court Assistant).

