



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT BOMET**

**CRIMINAL CASE NO. 13 OF 2020**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**BENARD BII KIBET.....ACCUSED**

**RULING ON BAIL**

1. This ruling is in respect of the Accused's application for bail pending trial. The Accused is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code (CAP 63) laws of Kenya. The particulars of the offence are that on 9<sup>th</sup> day of June 2020 at about 0900 hours at Soget village, Kimugul location within Bomet East Sub-county murdered Geoffrey Kipkemoi Bii.

2. The Accused took plea on 29<sup>th</sup> June, 2020 and denied the charge. His trial is set to start on 22<sup>nd</sup> July, 2021. He now seeks to be released on bail.

3. In urging the application, defence counsel Ms. Chepkemoi submitted that the Accused was not a flight risk and prayed that he be released on favourable bond terms. Counsel further submitted that the pre-bail report was favourable to the Accused.

4. On his part Mr. Mureithi Principal Prosecution Counsel submitted that the prosecution had no compelling reasons and that the pre-bail report seemed positive. He however drew the attention of the court to one of the conclusions in the report which stated that the Accused's father had confided that the Accused respected him but had little regard for his mother whom he constantly abused and threatened.

5. I have considered the application. I have also considered the pre-bail report and the victim impact statement. Both reports are favourable to the accused. It is the duty of the court to consider the application on the basis of Article 49 (i) h which grants a suspect or an Accused the right to bail. In considering the application, the court also bears in mind that the primary purpose of bail is to ensure that the accused attends his trial.

6. I have come to the conclusion that there are no compelling reasons to deny the accused bail. He is released on the following conditions:-

i) He shall post cash bail of Kshs.500,000/= with one surety of similar amount.

ii) In the alternative to (i) above, he shall execute a personal bond of Kshs.500,000 with 2 sureties of 500,000 each.

iii) He shall attend court whenever required and shall not impede the trial in any way.

7. Orders accordingly.

**Ruling delivered, dated and signed this 24<sup>th</sup> day of February, 2021.**

.....

**R. LAGAT-KORIR**

**JUDGE**

**Ruling delivered in the presence of the Accused, Defence Counsel Ms. Chepkemoi, Mr. Mureithi for the DPP, and Kiprotich (Court Assistant).**