

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BOMET

CRIMINAL CASE NO. 18 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

BONIFACE KIBET KOECH.....ACCUSED

RULING

1. This ruling is in respect of a review application made by the Accused. The Accused was granted the following bond terms:-

- (i) He shall post cash bail of Kshs.300,000/= with one surety of similar amount.
- (ii) As an alternative to 1 above, the accused shall execute a personal bond of Kshs.300,000/= and provide 2 sureties of Kshs.300,000/= each.
- (iii) He shall not interfere with witnesses in any way.
- (iv) He shall attend court whenever required and shall not impede the trial in any way.

2. When the matter came up for pre-trial directions on 18th March 2021, defence Counsel Mr. Kipngetich, asked the court to review the bond terms granted to the Accused. Counsel submitted that the Accused was unable to meet the bond terms for reason that he is an orphan and his guardians could not meet the terms. Counsel stated that the said guardians were able to raise a cash bail of Kshs.100,000/= only.

3. I have considered the application. The Accused was granted bond of Kshs.300,000/= which he now says he cannot afford. It is a Constitutional edict that bond terms should be reasonable. What is reasonable is dependent on the offence committed, the circumstances of each case and the particular socio-economic circumstances of the Accused. See The Judiciary Bail and Bond Policy Guidelines (2015)

4. In this case, I have looked at the pre-bail report. It is true, as submitted by Counsel that the Accused is an orphan who dropped out of school in class 7. I have also considered that the Accused is facing a charge of murder. I exercise my discretion to reduce the bond terms from cash bail of Kshs.300,000/= to Kshs.150,000/= and in the alternative, the Accused shall execute a personal bond of Kshs.150,000/= and provide two sureties of Kshs.150,000/= each. The Accused shall not interfere with witnesses or impede the trial in any way.

5. Orders accordingly.

Ruling delivered, dated and signed this 29th day of April, 2021.

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R. LAGAT-KORIR

JUDGE

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