

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BOMET

CRIMINAL CASE NO. E007 OF 2020

REPUBLIC.....PROSECUTOR

VERSUS

DOMINIC KIPLANGAT ROTICH.....ACCUSED

RULING

1. Dominic Kiplangat Rotich (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 18th day of December 2020 at Mokombet village within Bomet Central Sub-County, in Bomet County murdered Lydia Cherotich.

2. The Accused elected to remain silent and a plea of not guilty was entered by the court. His Counsel promptly applied to have the Accused released on bail pending trial. The court set the hearing date for the application and directed that the Accused be taken for psychiatric evaluation.

3. At the hearing of the application on 24th April 2020, Ms. Rotich for the Accused submitted that the bail information report was favourable to the Accused. She submitted that there were no compelling reasons for him to be denied bail.

4. On his part, Mr. Waweru for the State submitted that the Prosecution would rely on the bail information report.

5. I have considered the application. Under Article 49 (i) (h) of the Constitution an accused is entitled to bail pending trial unless there are compelling reasons. In this case, the Prosecution has not brought to the attention of the court any compelling reasons. The social inquiry report which both the prosecution and defence referred to has recommended that the Accused be released on bond. The report states that the deceased in the case was the daughter of the Accused. That the family members interviewed stated that the Accused was a law abiding citizen and there were no earlier reports of antisocial conduct. The report also states that the family members and in particular the wife of the Accused, were supportive of his release and were willing to stand surety for him.

6. In the circumstances therefore, there is no reason why the Accused should not be granted bail. He is released on the following conditions:-

(i) He shall execute a personal bond of Kshs.300,000/= and provide 2 sureties of a similar amount.

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

7. Orders accordingly.

Ruling delivered, dated and signed this 28th day of April, 2021.

R. LAGAT-KORIR

JUDGE

Ruling delivered in the presence of the Accused, Ms. Chepkemoi holding brief for Ms. Rotich for the Accused, Mr. Mureithi for the DPP, and Kiprotich (Court Assistant).