

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BOMET

CRIMINAL CASE NO. 20 OF 2020

REPUBLIC.....PROSECUTOR

VERSUS

OBADIAH KIPKORIR NGENO.....ACCUSED

RULING

1. The application before me seeks that the Accused person Obadiah Kipkorir Ngeno be released on bail pending trial. It is a review application.

2. In the ruling delivered on 25th February 2021, the court denied the Accused bond for reason that there was extreme hostility on the ground which was likely to jeopardise his safety. A bail information report filed on 9th July 2021 shows that the families of the Accused and the deceased were now engaged in a traditional reconciliation exercise. This means that the extreme hostility towards the release of the Accused on bail pending his trial has waned. I consider this to be changed circumstances which warrant a review of the court's earlier ruling.

3. Article 49 (i) h of the Constitution it provides that:-

“An arrested person has the right to be released on bond or bail on reasonable conditions, pending a charge or trial unless there are compelling reasons not to be released.”

4. In this review application, the prosecution has not brought forth any compelling reasons. As stated above, the reason for which the court had denied the Accused bail no longer exists. It has also been submitted that the Accused is not a flight risk and shall attend his trial.

5. I exercise my discretion to grant him bail on the following conditions:-

- i. He shall post a personal bond of Kshs.300,000/= and provide 2 sureties of similar amount each.
- ii. He shall not interfere with witnesses in any way.
- iii. He shall attend court whenever required and shall not impede the trial in any way.

6. Orders accordingly.

RULING DELIVERED, DATED AND SIGNED THIS 26TH DAY OF JULY, 2021.

.....

R. LAGAT-KORIR

JUDGE

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