



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BOMET

CRIMINAL CASE NO. E005 OF 2021

REPUBLIC.....PROSECUTOR

VERSUS

RICHARD KIPKORIR CHEPKWONY.....ACCUSED

RULING

1. Richard Kipkorir Chepkwony (Accused) is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal code. The particulars are that on 25th day of April 2021 at about 23:30 hours at Taronik Centre in Kapkimolwa location within Bomet County, murdered Koyumi Ambrose Kipngetich. He took plea on 6th May 2021 and denied the charge. He now seeks to be released on bail pending trial.

2. In urging the application Ms. Chirchir, acting on behalf of Mr. Ngeno Counsel for the Accused, submitted that the Accused was not a flight risk and that the Probation Officer's bail information report was favourable to him.

3. On their part, the prosecution submitted that they wholly relied on the Bail information report.

4. The Bail information report dated 8th July 2021 states that the Accused was well known within the community where he lives with his family and works as a vulcanizer at Taronik Trading Centre. That both the Accused and the deceased were clansmen and their respective families had reconciled and enjoy a cordial relationship. That there was no opposition from the victim's family to the Accused being released on bond.

5. I have considered the application. It is trite that the primary purpose of bail is to secure the Accused's attendance at trial. (See **R. V. Patius Gichobi Njagi & 2 Others [2013] eKLR; Jaffer V. Republic 1973 E.A. 39**)

6. Article 49 (i) h of the Constitution provides:-

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

7. It has been stated time without number that it is the duty of the State to bring to the attention of the court any compelling reasons to deny an Accused bail. (See **R. V. Danson Mgunya and Kassim Sheebwana Mohamed, Mombasa Criminal Case No. 26 of 2008**).

8. In this case, no compelling reasons have been raised. Infact in submitting that they relied on the probation report, the Prosecution supported the grant of bail as the report is favourable to the Accused.

9. I find the application merited. The Accused is released on bail pending trial on the following conditions:-

- (i) The Accused shall execute a personal bond of Kshs.300,000/= and provide 1 surety of similar amount.
- (ii) He shall not interfere with prosecution witnesses in any way.
- (iii) He shall attend court whenever required and shall not impede the trial in any way.

10. Orders accordingly.

RULING DELIVERED, DATED AND SIGNED THIS 24TH DAY OF NOVEMBER, 2021.

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R. LAGAT-KORIR

JUDGE

Ruling delivered in the presence of the Accused, Mr. Leteipa holding brief for Defence Counsel Mr. Ngeno, Mr. Murithi for the DPP, and Kiprotich (Court Assistant).