

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BOMET

CRIMINAL CASE NO. E004 OF 2021

REPUBLIC.....PROSECUTOR

VERSUS

PAUL KIPTONUI LELEI.....ACCUSED

RULING

1. Paul Kiptonui Lelei (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.

2. The particulars of the offence are that on the 18th April 2021 at Chebunyo Location in Chepalungu Sub-County within Bomet County, murdered Kiplele Arap Marusoi.

3. The Accused took plea on 27th April 2021 and denied the charge. The court then directed the filing of a bail assessment report. When the matter came up for pre-trial on 12th October 2021 defence counsel Mr. Merebu made an application for the Accused to be released on bail. In making the application Counsel questioned the source of information contained in the pre-bail report and dismissed the report as untruthful to the extent that it stated that the family of the Accused were opposed to his release on bail.

4. On his part, Mr. Wawire for the Prosecution submitted that the report indicated that part of the family were against the release while part was supportive for reason that the deceased in the case was the father of the Accused and some of his siblings were bitter because he had killed their father.

5. A second bail information report was filed on 29th November 2021. This report stated that the family members had now come to terms with the loss of their father and were not opposed to the Accused being granted bond since there was no more hostility against him in the home. The report however stated that the Accused hardly stayed in one place and was given to a nomadic lifestyle. That he was a person given to violence when drunk.

6. I have considered the submissions and the bail assessment report. It is trite that the primary purpose of bail is to secure the Accused's attendance at trial and can only be denied where there exists a compelling reason. In this case the Accused's antecedents of violence and the likelihood of him being a flight risk militate against his release. Consequently, I am not persuaded that he shall attend his trial.

7. He shall remain in custody until the commencement of his trial.

8. Orders accordingly.

RULING DELIVERED, DATED AND SIGNED THIS 16TH DAY OF DECEMBER, 2021

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R. LAGAT-KORIR

JUDGE

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