



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BOMET

CRIMINAL CASE NO. E005 OF 2020

REPUBLIC.....PROSECUTOR

VERSUS

VICTOR KIPKIRUI SANG.....ACCUSED

RULING

1. The Accused Victor Kipkirui Sang was charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars are that on the 14th day of November, 2020 at Mankokwo B village of Besiobei Sub-location in Kaptebegwet Location, Konoin Sub-County within Bomet County murdered one Alice Chepkorir Sigilai.

2. The Accused took plea on 25th November 2020 and denied the charge. His trial started on 18th October 2021 when two witnesses testified. Subsequently the defence intimated to the court that they wished to open plea negotiations with the Prosecution.

3. When the matter came up for mention on 23rd November 2021, the defence Counsel informed the court that the Accused had changed his mind and wished to continue with the trial. Counsel further made an application for the Accused to be released on bail pending trial. In urging the application, Counsel submitted that the Accused was not a flight risk. That he was a married man with a young family which depended on him as the breadwinner. Counsel placed reliance on Article 149 (i) h of the Constitution.

4. On his part, Mr. Murithi for the State left the matter to the discretion of the court.

5. I have considered the application. As rightly submitted by the defence, bail is a Constitutional right granted under Article 149 (i) h of the Constitution. The only limitation to the right is where there were compelling reasons.

6. In this case, I have considered the respective submissions of the parties. There is indeed no opposition to the application. I have further considered the Probation Officer’s report filed on 12th November 2021. The report shows that there is harmonious co-existence between the families of the Accused and deceased. That the two families which are related have embarked on traditional cleansing and reconciliation rites and were supportive of the release of the Accused on bond.

7. From the above, there is clearly no compelling reasons to deny the Accused bond. He is released 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.

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 Ms. Brandy Koske, Mr. Murithi for the DPP, and Kiprotich (Court Assistant).