



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT BOMET**

**CRIMINAL CASE NO.11 OF 2019**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**TABITHA CHEPKOECH.....ACCUSED**

**RULING**

1.This is a request for bail pending trial made orally by Mr. Mugumya for the accused person herein; to which the Principal Prosecuting Counsel Mr. Murithi for the State relied on a pre-bail report dated 4<sup>th</sup> March 2020 prepared by Joel Nyaribo the Probation Officer Bomet.

2. Under Article 49 (1) (h) of the Constitution of Kenya 2010, every arrested person has a right to be released on bail or bond on reasonable conditions unless there are compelling reasons to justify that denial. The Constitution provides as follows –

*49 (1) an arrested person has the right –*

*(h) to be released on bond or bail, on reasonable conditions, pending charge or trial, unless there are compelling reasons not to be released.*

3. I note that the pre-bail report herein prepared by the Probation Officer Bomet recommends the release of the accused person on bail. The report however mention that the deceased's family which lived at Olenguruone in Nakuru County, were still complaining that the family of the accused had not gone to console them in accordance with Kipsigis customs, and had thus opposed the release of the accused person on bail.

4. Considering the facts and circumstances of this case, and the fact that the state does not object to the release of the accused person on bail, I find that there are no compelling reasons to justify denial of the constitutional right of the accused herein to be released on bail. I will thus allow the application for bail.

5. Consequently, I allow the application and order as follows–

1. The accused person will be released on signing her own bond of Kshs.200,000/= with one surety of similar amount.
2. In the alternative, she will be released on payment of cash bail of Kshs.100,000/=.
3. She will not interfere with prosecution witnesses.
4. She will attend all mentions and the hearing of the case, until the case is finally determined.

**Dated this 30<sup>th</sup> day of April 2020.**

**GEORGE DULU**

**JUDGE**

Delivered through video conferencing in the presence of Mr. Langat court assistant, Mr. Musyoka ICT officer, Ms Fundi for state and the accused.