



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT BOMET**

**CRIMINAL CASE NO. 7 OF 2020**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**PETER KIPRONO SIGLAI.....ACCUSED**

**RULING**

1. The accused Peter Kiprono Siglai is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. He is alleged to have murdered Kenneth Kiprotich Kosgei on the 27<sup>th</sup> day of March 2020 at Kapkimolwa, Keneni village within Bomet County.

2. The accused took plea on 3/11/2020 and denied the charge. His counsel Ms. Chemutai asked the court to direct the filing of a pre-bail report. When the matter came up on 2/12/2020, Ms. Chirchir made an application for the accused to be released on bail pending trial and prayed for favourable bond terms. On his part, Mr. Mureithi Principal Prosecution Counsel submitted that the prosecution had no compelling reasons and left the matter to the court's discretion.

3. I have considered the application. Needless to state, the Accused person has a constitutional right to bail or bond pending trial. The only limitation under Article 49(1)(h) of the Constitution is where there are compelling reasons not to grant bail. It is the practice that such reasons should be brought before the court by the prosecution. It is however trite that the court retains the discretion to grant or deny bail while taking into consideration the circumstances of each case.

4. In this case, the pre-bail report states that the accused lost his temper and killed the deceased who was alleged to be his wife's lover. The report does not go further to show the circumstances of the offence and only states that both the victim's family and the accused's family were supportive of his release on bond. In sum, the report is not comprehensive and does not assist the court in appreciating the home environment as required.

5. In the circumstances of this case, I am persuaded not to grant the accused bond. He shall remain in custody pending trial or until further orders of this court.

6. Orders accordingly.

**Ruling delivered, dated and signed this 16<sup>th</sup> day of December, 2020.**

.....

**R. LAGAT-KORIR**

**JUDGE**

**Ruling delivered in the presence of the Accused, Ms. Chemutai holding brief for Mr. Kadet, Mr. Mureithi for the DPP, and Kiprotich (Court Assistant).**