

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO.12 OF 2019

REPUBLIC.....PROSECUTION

VERSUS

JULIUS KIPKEMOI ROTICH.....ACCUSED

RULING

1. The accused person herein stands charged with murder contrary to section 203 as read with section 204 of the Penal Code and has through his counsel Mr. Sang applied for bail pending trial.
2. The State through the Assistant Director of Public Prosecutions Mr. Ayodo has no objection to bail as they have no compelling reasons to oppose bail.
3. A pre-bail report dated 17th September 2019 prepared by Isaac Rotich, Probation Officer, Kericho suggests that the accused may be considered for bail pending trial.
4. Bail is a Constitutional right under Article 49 of the Constitution of Kenya 2010. It can only be denied if there exist compelling reasons to support that denial. The seriousness of the offence itself is not a compelling reason, as all arrested persons irrespective of the offence are entitled to bail.
5. On my part, having considered all the facts placed before me including the pre-bail report, I find no compelling reason to deny the accused bail.
6. I thus allow the application and order as follows:
 - a) **The accused may be released on signing his own bond of kshs.300,000/- with one surety of similar amount.**
 - b) **In the alternative, he may be released on payment of cash bail of kshs.200,000/-.**
 - c) **He will not interfere with prosecution witnesses.**
 - d) **He will attend all mentions of the case and the hearing until the case is finalized.**

Dated and delivered at Kericho this 27th day of November 2019.

George Dulu

JUDGE