

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO.39 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

ALEX KIPROTICH CHERUYOIT alias NIXXO.....1ST ACCUSED

DENNIS KIPKORIR TERER.....2ND ACCUSED

WELDON KIPKEMOI MUTAI.....3RD ACCUSED

RULING

1. Before me is a Notice of Motion dated 29th November 2019 filed by M/s Obondo Koko & Company Advocates for the three accused persons for bail pending trial.

2. The application was filed under Article 49 (1) (2), 20 (3), (4) and (5), 21 (1), 22 (3) and (4) and 50 (2) (a) of the Constitution of Kenya 2010 and section 123 of the Criminal Procedure Act (cap.75) and has grounds on the face of the Notice of Motion and is supported by an affidavit sworn by the 1st accused person Alex Cheruiyot on 20/11/2019.

3. The Probation Officer, Kericho, filed pre-bail reports for each of the three accused persons.

4. Ms Fundi for the State did not object to release on bail of the 2nd and 3rd accused persons but stated that the 1st accused person has another criminal issue at Molo. Ms Chepkirui for the accused persons urged that the 2nd and 3rd accused persons be released on bail, and that the matter be mentioned later for consideration of bail for the 1st accused.

5. Under Article 49 (1) (h) of the Constitution of Kenya 2010, every arrested person has a right to be released on bail on reasonable conditions unless there exist compelling reasons for denial of bail. Bail herein is opposed by the State on the 1st accused person. I will thus not release him on bail presently.

6. With regard to the 2nd and 3rd accused persons, I will release them on bail on the following terms-

1) Each of the accused persons, Dennis Kipkorir Terer and Weldon Kipkemoi Mutai will be released on signing bond of Kshs.300,000/- with one surety of similar amount..

2) In the alternative, each of the two will be released on payment of cash bail of Kshs.200,000/.

3) They will not interfere with prosecution witnesses.

4) They will attend all mentions of the case and the hearing till the case is finalized.

Dated and delivered at Kericho this 20th day of December 2019.

George Dulu

JUDGE