

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO.17 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

ERICK KIPKIRUI CHIRCHIR *alias* KIPCHOGE.....ACCUSED

RULING

1. Before me is an application dated 8th July 2019 filed by counsel M/s Onesmus Langat & Co. advocates for the accused person under section 124 and 357 (1) of the Criminal Procedure Code for bail pending trial.
2. The application is supported by an affidavit sworn on 8th July 2019 by the accused person in which it is deponed that though the accused is charged with murder, he ought to be released on reasonable bail pending the hearing and determination of his case, and that it might take too long to dispose of the case, and lastly that he is willing to abide by the terms and conditions given by the court.
3. This court ordered the filing of a pre-bail report which was prepared and filed by Daniel Ngetich a Probation Officer, Kericho Sub-County. The report concludes by stating that the two families had reconciled and that the accused may thus be released on bail.
4. Counsel for the accused Mr. Langat also orally urged the court to allow the application for bail. Mr. Ayodo for the State stated that they will be guided by the pre-bail report, but asked for strict bail terms as the offence charged is a serious offence.
5. Under Article 49 (1) (h) of the Constitution of Kenya 2010, every arrested person has a right to be released on reasonable bail terms unless there exist compelling reasons to deny him/her bail.
6. In the present case, the State does not oppose the grant of bail. The pre-bail report they rely upon is favourable. I also do not find any compelling reason for denial of bail.
7. I thus allow the application for bail and order as follows-
 - 1) **The accused will be released on signing bond of Kshs.300,000/- with one surety of similar amount.**
 - 2) **In the alternative, he will be released on payment of cash bail of Kshs.200,000/-.**
 - 3) **He will not interfere with prosecution witnesses.**
 - 4) **He will attend all mentions of the case and the hearing until the case is finalized.**

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

George Dulu

JUDGE