

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 29 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

THOMAS KIPKEMOI KIPKORIR.....1ST ACCUSED

JOSEPH KOMEN YATICH.....2ND ACCUSED

SEBASTIAN YANO KOMEN.....3RD ACCUSED

RULING

This ruling concerns Thomas Kipkemoi Kipkorir, the 1st accused. He moved the court to order release of Kshs 500,000 being monies deposited in court in respect of cash bail in this case. The 1st accused together with his co-accused persons were released on bond. The terms and conditions of bail were reviewed in respect of the 1st accused whereby he was ordered to execute a personal bond of Kshs 500,000 with two sureties. The two sureties were Richard Chesire Cherop who deposited a log book in respect of motor vehicle registration number KBE 019G. In addition to this, a cash bail of Kshs 500,000 was deposited with the court.

Following cancellation of bond after the 1st accused absconded, the court ordered that he remains in custody until this case is heard and finalized. The 1st accused applied to have the cash bail released to him. This court was notified that the cash bail was deposited by Rael Cherop on behalf of the 1st accused. This court directed that Rael attends court in the presence of the 1st accused to clarify who paid the money in order for this court to make an order for release of the same.

On 22nd September 2015, Rael Cherop and the 1st accused attended court. Rael, through Ms Onyinkwa, told the court that she is the one who deposited the cash bail on behalf of the 1st accused whom she said was her husband. She said that she applied for a loan at Barclays Bank, Eldoret Branch and exhibited a statement of accounts to support this. She told the court that she is still servicing the loan with the bank. The court asked the 1st accused whether he had any objection to the cash bail amount being released to Rael Cherop. The 1st accused told the court that what Rael had told the court is true that she sourced for this money through a bank loan and that he had no objection to the money being released by the court to her.

I have read the court file records and perused the receipt No. 0122512 dated 31st July 2012. It is issued by the High Court in respect of Criminal Case No. 29 of 2012. I have also considered this application and the fact that the 1st accused does not object. I will and do hereby order that Kshs 500,000 paid to the court as cash bail in respect of the 1st accused in this case be released to Rael Cherop of National Identity Card No. 1361475. The deputy Registrar, Criminal Division, High Court is directed to facilitate Rael Cherop in this respect. Orders are made accordingly.

Dated, signed and delivered in open court this 23rd day of September 2015.

S.N. Mutuku

Judge