



REPUBLIC OF KENYA

High Court at Kericho

Criminal Case 29 of 2012

REPUBLICPROSECUTOR

VERSUS

CHRISTOPHER KIPKOSGEI MUTAI.....ACCUSED

RULING

In a notice of Motion dated 17th October, 2012, the applicant/Accused herein seeks an order granting him bail. The application is pursuant to **Article 23** and **49(h)** of the **Constitution**.

It is based on grounds on the face of it and it is supported by an affidavit sworn by his advocate Mr. Erick K. Korir where it is averred that he is entitled to protection by the Constitution. He has a parent who is disabled and has children to take care of.

The State did not oppose the application, Mr. Kiviihya for the State was of the view that bail was a Constitutional right.

According to **Article 49(h)** of the **Constitution** an accused person can only be denied bail if there are compelling reasons. The most important reason a court has to consider is whether the person will turn up for trial.

The state having failed to notify the court of any reason why the accused should not be released on bond the application shall be allowed.

The accused is hence granted bond of Kshs. 600,000/= with two (2) sureties in a like sum.

It is so ordered.

Dated and delivered this 13th November, 2012

**LILIAN N. MUTENDE
JUDGE**

Counsel appearing

Mr. Kiviihya State Counsel for the Republic

Mr. E.K. Korir advocate for the accused

Koech – Court Clerk