



REPUBLIC OF KENYA

High Court at Kericho

Criminal Case 5 of 2011

REPUBLICPROSECUTOR

VERSUS

DAVID KIPLANGAT TONUI.....ACCUSED

RULING

In his application counsel for the accused herein seeks the accused's release on bail. He asked the court to take into consideration the age of the accused whom he said was an elderly man who had been in custody since early 2011. He told the court that the accused was sick hence being released on bond would enable him seek medication.

In his response Mr. Rogoncho who appeared for the State sought time to file a replying affidavit in response to the application as he needed the input of the investigation officer. When the matter came up on 6th November, 2012 Mr. Kiviihya who appeared for the State argued that bail was a person's Constitutional right hence there was no need of filing an affidavit. He did not oppose the application. A report was filed by the Probation Officer as requested by the court.

In his report, Mr. Daniel Too a Probation Officer recommending the accused's release on bail said that his family, the community and even the deceased's family did not oppose his release on bail.

Bail is a person's Constitutional right. The State having not told the court of any reason that could preclude this court from granting the orders sought, the same shall be granted.

The accused is therefore granted bond of Kshs. 500,000/= with two (2) sureties of a similar sum.

It is so ordered.

Dated and delivered this 13th November, 2012

**LILIAN MUTENDE
JUDGE**

Counsel appearing

Mr. Kiviihya State Counsel for the Republic

Mr. Orina advocate for the accused

Koech – Court Clerk