



REPUBLIC OF KENYA

High Court at Kericho

Criminal Case 9 of 2012

REPUBLICPROSECUTOR

VERSUS

STEPHEN KIPRONO TONUI ALIAS PASTOR.....ACCUSED

RULING

In an application dated 22nd June, 2012 brought under **Article 49(1) (h)** of the **Constitution** and **Section 357** of the **Criminal Procedure Code** the applicant/Accused seeks to be released on bail upon reasonable terms pending hearing and determination of the case. It is based on grounds that the accused is charged with the offence of Murdering the wife an offence he has denied hence seeking his entitlement per the Constitution.

He further states that he is asthmatic hence is prison not favourable to his health. The three children of the marriage also require his attention.

The State represented by Rogoncho did not oppose the application. He asked the court to set the terms.

Considering the nature of the offence and the fact that there were children of tender age left behind by the deceased. This court sought a social report from the Probation department. The report by Mr. Joseph Mayieka a Probation Officer recommending the accused person's release on bail said that the two (2) families had commenced customary cleansing ceremonies and the children needed the accused's attendance.

I have considered what is on record. The accused person has a right of being released on bail unless there are compelling reason to deny him the same. The State having not notified the court of any compelling reason why the accused person's right should be curtailed he is eligible to orders sought.

Accordingly, I do grant him bail of Kshs. 500,000/= with two (2) sureties of a similar 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. Koskei advocate for the accused

Koech – Court Clerk