



**Republic v Chepkat & another (Criminal Case E020 of 2024)
[2025] KEHC 1385 (KLR) (20 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 1385 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL CASE E020 OF 2024
E OMINDE, J
FEBRUARY 20, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

CALLEB CHEPKAT 1ST ACCUSED

ALEX KAMUREN CHEROP 2ND ACCUSED

RULING

1. The accused persons are charged with the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code*. The particulars of the offence are that the accused persons on the night of 18th and 19th day of August, 2024 at Tugen Estate, Moiben Sub-County within Uasin Gishu County, in the Republic of Kenya murdered Christopher Makau and Edwin Kiplagat.
2. By a Notice of Motion dated 2/12/2024, the 1st Accused person seeks the following orders:
 - a. Spent.
 - b. That this Honourable Court be pleased to revisit and or review, set aside and or vary its orders of 21/11/2024 denying the 1st Accused person Application to be released on bond.
 - c. That upon granting prayer (b) above this Honourable Court be pleased to order the release of the 1st Accused Person, Caleb Chepkat, on bail pending trial on such favourable bond or cash bail terms as the Court shall deem proper.
 - d. Such other orders be made as are just and expedient in the interest of justice.
3. The Application is premised on the grounds on the face of it and is further supported by the Affidavit sworn by the 1st Accused person on the same date.



4. In the Affidavit, the 1st Accused person deposed that through his advocates on record, he made an Application to this Court seeking to be released on bail pending trial and that this Court on 21/11/2024 Court delivered a ruling the said Application denying his Application for bail for reasons that the key witness was still at large and that the ground was said to be still hostile.
5. The 1st Accused person further deposed that he has since been informed that the ground is no longer hostile at the moment and that there is no objection to him being released on bail pending trial as can be drawn from the recent Chief's letter dated 29/11/2024. The 1st accused person added that from the pre-trial/committal bundle documents supplied to his advocate on record by the prosecution, the prosecution witnesses have since recorded their statements which have been filed in Court.
6. According to the 1st Accused person, he is not in any way likely to interfere with any witnesses and or the process of investigations that may still be ongoing (if there be any) as he has always co-operated with the relevant authorities in this matter. That he personally undertakes to abide by any such terms as may be imposed by this Honourable Court in granting him bail pending trial. The 1st Accused added that his parents had equally stated that they are ready and willing to have him relocate to his father's place of work in Homabay which is far away from the alleged place of crime and that he undertakes to always attend Court for the trial of this matter.
7. In end, the 1st Accused deposed that this Court has the jurisdiction to hear and determine the instant Application as provided under Article 165 (3)(a) of the Constitution of Kenya, 2010. According to the 1st Accused person there exist circumstances that would warrant this Court to revisit, review, set aside or vary its order dated 21/11/2021. The 1st Accused is ready and willing to abide by such reasonable bail or bond terms that the Court may direct.
8. On 24/01/2025, M/s Otieno DM & Associates representing the 1st Accused person in this matter appeared before Hon. Sitati wherein Counsel drew the Court's attention to their letter dated 24/01/2024 and the Court directed that the same be placed before me for further directions.
9. When parties appeared before me on 29/01/2025, Counsel for the 1st Accused person submitted that they filed an Application dated 2/12/2024 seeking to review this Court's Ruling of 21/11/2024. Counsel pointed out that they sought an earlier date due to the health of the accused person. Counsel further submitted that that it has come to their attention that that his health was deteriorating in remand as he was vomiting blood.
10. Counsel added that they raised their concern on the 1st accused failing health with the remand facility on 16/01/2025 and that is when he was rushed to MTRH and he was diagnosed with Asthma. That it has not been easy for the Accused person to receive treatment in remand and if not released, their worst fears may come to pass. Counsel prayed that the Court reviews its orders and release the accused person on reasonable bond terms.
11. Prosecution Counsel Mr. Thuo confirmed having received the said letter and stated that on health grounds they had no objection to the Application by the accused to be granted bond.

Determination

12. I have considered the application for the review of bond. In my first application, I stated that the application for bond may be reviewed once the key witnesses have been secured and have testified. At the last hearing of 11th February two such witnesses testified. There is also the new development on the state of the accused health as diagnosed by a Government Medical facility to wit MTRH where the accused was taken while in remand.



13. Given the above I am satisfied that a review of my decision denying the accused persons bond immediately upon the inception of the case is warranted. Each of the accused persons is therefore to be released on a Personal Bond of Ks. 300,000/- with one similar surety.

READ DATED AND SIGNED AT ELDORET ON 20TH FEBRUARY 2025.

E. OMINDE

JUDGE

