



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Kirui (Criminal Case E006 of 2023)
[2025] KEHC 1700 (KLR) (7 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 1700 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KILGORIS
CRIMINAL CASE E006 OF 2023
F GIKONYO, J
FEBRUARY 7, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

ALFRED KIRUI ACCUSED

RULING

Bail

1. On 8.10.2024, Ms. Pion, the legal counsel for the accused, applied for review of the decision of the court delivered on 6th December, 2023 in which the accused was denied bail. She requested for a pre-bail report to be done to assist the court in the determination of the review application. A pre-bail report was filed on 6.11.24. Ms. Pion stated that, the report is favourable and the accused should be released on bail.
2. Mr. Okeyo, the prosecution counsel, expressed reservations as the key witnesses are relatives of the accused i.e. his former wife and two in-law who are also neighbours. He stated that, if the accused is release on bail, he is likely to interfere with witnesses. He pointed out to the court that the report filed has captured these two issues.
3. Ms. Pion retorted by stating that being neighbours does not deny a person bail. She termed it as a mere excuse.

Analysis and Determination

4. In the decision of 6th December, 2023, the court denied the accused bail; and ordered, among other things that: ‘Vulnerable witness to testify after which bail may be reviewed.’



5. The prosecution procured attendance of three witnesses on 5.3.2024. But, they could not be heard because of the absence of the accused and his legal counsel. The hearing was accordingly adjourned and the matter set for mention on 8.5.24 to fix a hearing date.
6. The case was set down for hearing on 4.2.25 and for this ruling on bail on 7.2.25. However, the court was transferred to Nairobi, Milimani High Court, Commercial and Tax Division.
7. Although the pre-bail report recommends the accused person to be released on strict bond terms, its core findings observed that the 'social and community ties' between the accused and his relatives were 'unsteady'.
8. The vulnerable witnesses have not testified also; a condition precedent to any review of bond decision.
9. Nothing also shows that the risk of interference with witnesses by the accused has dissipated.
10. Making declining of review of bond decision to be the appropriate course to take. Accordingly, the evidence of the vulnerable witnesses to be taken after which review of bond may be considered.
11. To ensure the condition is met and does not become a source of delay, the case is remitted back to the Presiding Judge, High Court at Narok, to assign a date for the hearing of the vulnerable witnesses. Matter be mentioned on 4.3.2025.
12. Orders accordingly.

DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH MICROSOFT TEAMS ONLINE APPLICATION THIS 7TH DAY OF FEBRUARY, 2025

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**F. GIKONYO M
JUDGE**

In the presence of: -

1. Okeyo for state
2. Ms. Mireri h/b for Ms. Pion for accused
3. Nyangaresi C/A

