



REPUBLIC OF KENYA



KENYA LAW

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Republic v Rono (Criminal Case E004 of 2025) [2025] KEHC 5903 (KLR) (8 May 2025) (Ruling)

Neutral citation: [2025] KEHC 5903 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET**

CRIMINAL CASE E004 OF 2025

RB NGETICH, J

MAY 8, 2025

BETWEEN

REPUBLIC PROSECUTION

AND

PETER KIBICHI RONO ACCUSED

RULING

1. The accused PETER KIBICHI RONO has been charged with the offence of Murder Contrary to Section 203 as read with Section 204 of the [Penal Code](#). Particulars of the offence being that the accused person on the dates between 13th and 14th day of February, 2025 at Sirata village of Logumgum Location in Marigat Sub- County within Baringo County, murdered Amanda Nanjala.
2. The accused denied the charge and the prosecution did not oppose the accused being released on bond. The court however called for a pre-bail report to be filed to assist the court in determining the bond. The report was duly filed as directed.

Prebail Report

3. From the report, the accused had a formal education up to form 2 at AIC Itigo Secondary School. He dropped out in the year 2017 due to his own will, negative peer influence and lack of parental support in payment of school fees. From the year 2018 to 2021 he used to work as a driver for a tractor within his village. The year 2022 he worked at construction site; he later relocated to Marigat up to the time of his arrest as a casual worker. He is a married man of two wives with one child with first wife. The second wife has no child with the accused person but the victim is the second wife's child. The accused indicates that he uses alcohol.
4. The family pray that accused be released on bond and they intend to deposit title deed registered in their grandmother's name. The accused person does not have any history on adherence to bond terms as this is his first offence. The accused understood the gravity of the offence but prayed for favorable bond terms so that he can continue with his daily activities.



5. The victim's mother indicated that she is now staying in her parent's home in Moi's Bridge Township. She added that the victim was aged 17 months and she had stayed with accused for a period of one year. She is still bitter over the loss of her child and is opposed to accused being released on bond on the ground that he tried to run away and he may go into hiding if released.
6. The local administrator of accused's home area stated that accused and his parents are well known to him and confirmed this is accused's first offence. He is not opposed to accused being released on bond as long as he does not go where the offence took place as members of the community are still very bitter. The local administrator where the offence took place stated that the accused person is not known to him and that he had rented a house and was doing casual jobs within the community. He is opposed the accused person being granted bond on ground that his safety is at risk unless he relocates to another area.
7. The investigation officer opposed the accused person being released on bond on ground that he is likely to interfere with key witnesses who are his siblings and chances of him running away are very high as he tried to run away after committing the offence.

Determination

8. Article 49(1)(h) of *the Constitution* is explicit that, unless there is some compelling reason, an accused person, be he a citizen or foreigner, ought to be released on bail, as a matter of right, pending the hearing and determination of his/her case.
9. Moreover, by dint of Article 50(2) of *the Constitution*, every accused person is entitled to the presumption of innocence. The presumption of innocence dictates that accused persons should be released on bail or bond whenever possible. The presumption of innocence also means that pretrial detention should not constitute punishment, and the fact that accused persons are not convicts should be reflected in their treatment and management. For example, accused persons should not be subject to the same rules and regulations as convicts.
10. Accordingly, Section 123A of the *Criminal Procedure Code*, Chapter 75 of the Laws of Kenya, stipulates that:-
 - (1) Subject to Article 49(1)(h) of *the Constitution* and notwithstanding section 123, in making a decision on bail and bond, the Court shall have regard to all the relevant circumstances and in particular—
 - a. the nature or seriousness of the offence;
 - b. the character, antecedents, associations and community ties of the accused person;
 - c. the defendant's record in respect of the fulfilment of obligations under previous grants of bail; and;
 - d. the strength of the evidence of his having committed the offence;
 - (2) A person who is arrested or charged with any offence shall be granted bail unless the court is satisfied that the person—has previously been granted bail and has failed to surrender to custody and that if released on bail (whether or not subject to conditions) it is likely that he would fail to surrender to custody;
should be kept in custody for his own protection.



11. And in the Bail and Bond Policy Guidelines, it is restated as a general guideline in Paragraph 4.9 that:-
- “In terms of substance, the primary factor considered by the courts in bail decision-making is whether the accused person will appear for trial if granted bail. A particular challenge the courts face since the promulgation of *the Constitution* of 2010 is determining the existence of compelling reasons for denying an accused person bail, particularly in serious offences.”
12. The Guidelines then offer the following non-exhaustive factors for consideration in bail applications:-
- a. The nature of the charge or offence and the seriousness of the punishment to be meted if the accused person is found guilty.
 - b. The strength of the prosecution case.
 - c. The character and antecedents of the accused person.
 - d. The failure of the accused person to observe bail or bond terms.
 - e. The likelihood of interfering with witnesses.
 - f. The need to protect the victim or victims of the crime.
 - g. The relationship between the accused person and the potential witnesses.
 - h. The best interest of child offenders.
 - i. The accused person is a flight risk.
 - j. Whether the accused person is gainfully employed.
 - k. Public order, peace and security.
 - l. Protection of the accused persons.
13. The overarching objective of bail is to ensure the accused attends his trial. Relevant matters to be considered by the court include: the nature of the charge; the likely sentence; previous criminal records, the views of the family of the victim, the possibility of interference with witnesses; the temptation to abscond; and, the safety of the accused.
14. In view of the above, the accused is entitled to bond unless there are compelling reasons to deny him bond. The Prosecution have not opposed bond but from the prebail report, there is fear that the accused may interfere with witnesses. I am however of the view that if there was likelihood of accused to interfere with witnesses, the investigating officer would have sworn an affidavit to that effect. In respect to accused's security, I take note of the fact that the accused was living in a different location from his home at the time of the offence herein and that is where the offence occurred. The local administration indicate that the accused's safety will be at risks unless he relocates form where the offence was committed as the community there are still bitter.
15. In view of the fact that accused's home is a different location from where the incident occurred, I do not see any compelling reason to deny accused bond if this court direct that upon release, he does not go to the area where the incident took place. In view of the above, I am inclined to allow the accused's prayer for bond.
16. Final Order : -
1. Accused may be released on bond of Kshs 1,000,000 with one surety of a similar amount.



2. Accused upon availing surety together with surety are directed to undertake that the accused will keep off the location where the offence occurred.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 8TH DAY OF MAY 2025.

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RACHEL NGETICH

JUDGE

In the presence of:

* CA Elvis/Momanyi.

* Ms. Kosgei for state.

* Accused present.

* Ms. Barasa for accused.

