



**Republic v Korir (Criminal Case E004 of 2024)  
[2024] KEHC 2850 (KLR) (14 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2850 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CRIMINAL CASE E004 OF 2024  
JK SERGON, J  
MARCH 14, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**GEDION KIPROTICH KORIR ..... ACCUSED**

**RULING**

1. Gedion Kiprotich Korir the Accused herein is before this Court charged with the information of Murder Contrary to Section 203 as read with 204 of the [Penal Code](#). Particulars of the information dated 14th February, 2024, are that on 26th January, 2024 at Chemoset Village, Kipsolu Location in Belgut Sub-County within Kericho County, the accused murdered Lornah Chepkemoi. The accused person pleaded not guilty to the offence. The Accused has now applied to this court to be released on bond pending trial.
2. Mr. Langat, Learned Advocate for Accused urged this Court to admit the accused person to bail on reasonable bond terms.
3. Mr. Timothy Musyoki, Learned Senior Assistant Director of Public Prosecutions was not opposed to the Accused Person’s application for bond, rather, he sought to have a pre bail report filed in court.
4. The County Probation Officer was directed to file a Pre-bail Probation Report within fourteen (14) days from the date of the directive.
5. The county probation officer filed a pre bail report, in the said report, it is noted that the accused urged this Court to grant him bail, he was willing to abide by the bond terms and not jeopardize justice. The accused is a casual worker; enjoys quality relationships with the family members and the community. The family members were willing to deposit the requisite security for release of the accused and to ensure that he attends court proceedings without fail. The family was willing to relocate the accused person. The family of the deceased was still bitter with the accused person, however, they



acknowledged that the accused's family had reached out with attempts to initiate the cleansing rituals as required by tradition. The accused has strong community ties and therefore the local administration and community were not opposed to his release on bond.

6. The probation officer noted that there was no compelling reason for the court to withhold the accused's release on bond and therefore recommended that this Court grant the accused bond and allow his family members to deposit the requisite security for his release.
7. The right to bail is both constitutional and statutory, the accused person has a constitutional right to be released on reasonable bail terms unless there is a compelling reason not to grant the accused person bail.
8. The right to bail is entrenched in article 49 (1) (h) of the Constitution which states as follows:- "An arrested person has the right - to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released."
9. As a constitutional right, its enjoyment can only be limited if exceptional circumstances are established. In interpreting the right to bail, section 123A of the Criminal Procedure Code CAP 75 Laws of Kenya sets the parameters for the grant of the right to bail.
10. In Republic v John Kabindi Karisa & 2 others [2010] eKLR the court observed as follows; "A murder suspect has a constitutional right to be released on bail. This is an inalienable right and can only be restricted by the court if there are compelling reasons for him not to be released." the Constitution does not define the term "compelling reasons". However, there are several High Court cases that have deconstructed the phrase "compelling reasons" in Republic v Juktan Mayende & 4 Others Bungoma High Court Criminal Case No. 55 of 2009, the court defined the term "compelling reasons" as follows: "The phrase compelling reasons would denote reasons that are forceful and convincing as to make the court feel very strongly that the accused should not be released on bond. Bail should not therefore be denied on flimsy grounds but on real and cogent grounds that meet the high standard set by the Constitution."
11. In the instant matter, I have taken cognizance of the fact that the prosecution is not opposed to the application for bail and the fact that the pre bail report is favourable. I find that there are no compelling reasons to deny the accused bail. The accused person is hereby admitted to bail. The Accused Namely: Gedion Kiprotich Korir should be released from custody pending trial upon signing a bond of Kshs 200,000/= plus one surety of like sum.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 14<sup>TH</sup> DAY OF MARCH, 2024.**

.....

**J. K. SERGON**

**JUDGE**

In the presence of:

C/Assistant – Rutoh

Prosecutor – Mr. Musyoki

Accused – Present in Person

