



**Republic v Chebon (Criminal Case E001 of 2024)
[2024] KEHC 2358 (KLR) (7 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2358 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
CRIMINAL CASE E001 OF 2024
RB NGETICH, J
MARCH 7, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

TONNY KIPTOO CHEBON ACCUSED

RULING

1. The accused person Tonny Kiptoo Chebon has been charged with the offence of Murder Contrary to Section 203 as read with Section 204 of the [Penal Code](#). Particulars of the charge being that the accused on the 25th day of December, 2023 at SACH 4 village of Kabarnet Location in Baringo Central Sub-County within Baringo County murdered Neville Okoth Odongo.
2. The accused denied the charge and the defence counsel Mr. Kipkulei applied for accused to be released on bond. The prosecution informed the court they were not opposed to the accused being released on bond. The court called for prebail report to assist in determining whether the accused can be released on bond.
3. From the report, accused's mother passed on in the year 2021 and the accused stayed at his mother's house with his siblings. Efforts to reach accused's father and siblings proved futile. The probation officer was also not able to reach the area Assistant chief for interview.
4. From the report, the accused understands the seriousness of the offence. He says he sat for KCSE in the year 2023 and qualified to join university but he would require to work to raise university fee and therefore prays to be released on bond to be able to raise university fees. He also stated that he is ready to relocate to Eldoret to live with his sister if home environment is hostile.
5. The Victim's father is not opposed to accused being released on bond. The mother of the victim however indicated that she is opposed to the accused person being released on bond on ground that the family of the accused have not shown remorse and did not participate in the burial of the deceased.



6. The assistant chief stated that the accused is not viewed as a threat to other members of the community and is also not viewed as a flight risk and he did not therefore oppose the accused person being released on bond. The investigating officer also indicated that there is no likelihood of accused interfering with witnesses and is not therefore opposed to bond.

Determination

7. Bail is a constitutional right of every citizen. 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/bond, as a matter of right, pending the hearing and determination of his/her case.
8. 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.
9. In view of the above, I find that there are no compelling reason to deny accused bond.
10. Final Orders:-
Accused may be released on bond of Kshs 500,000 with one surety of a similar amount.

RULING DELIVERED, DATED AND SIGNED IN OPEN COURT AT KABARNET THIS 7TH DAY OF MARCH 2024.

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RACHEL NGETICH
JUDGE

In the presence of:

- Mr. Kipkulei for accused.
- Accused present.
- Ms Ratemo for State.
- Elvis, Court Assistant.

