



**Republic v Korir (Criminal Case E002 of 2024)
[2024] KEHC 5322 (KLR) (21 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5322 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E002 OF 2024**

JK SERGON, J

MAY 21, 2024

BETWEEN

REPUBLIC PROSECUTOR

AND

PATRICIA CHEPKIRUI KORIR ACCUSED

RULING

1. Patricia Chepkirui Korir, the Accused herein was charged with the information of Murder Contrary to Section 203 as read with 204 of the [Penal Code](#). The Particulars of the information dated 5th February, 2024, are that on the night of the 30th day of October, 2023 at Sosit Village, Kapkatet Location in Bureti Sub-County within Kericho County, the accused murdered Edward Cheruiyot Maritim. 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. Miss Chelang'at, Learned Advocate for Accused urged this Court to admit the accused person to favourable bond terms.
3. Mr. Timothy Musyoki, Learned Senior Assistant Director of Public Prosecutions was not opposed to the Accused Person's application for bond.
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 enjoys quality relationships with her family members save for her mother-in-law. The probation officer noted that the social inquiry reveals that there is divided opinion among the deceased's family members as to the accused's release on bond/bail. The accused's step sister reported that she was looking for a suitable surety to bond her out whereas her mother-in-law was strongly opposed to her release and stated that should the accused be released she should look for an alternative accommodation/residence



preferably return to her parents home as she was no longer welcome at her marital home. The family of the deceased were bitter and the family of the accused had tried to pursue reconciliation to no avail. The local administration reported that there was tension in the community and it would therefore be prudent to review the application for bond/bail once the tension had subsided. Following the findings of the social inquiry, the probation officer urged this Court to exercise its discretion in the matter.

6. 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.
7. 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."
8. 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.
9. 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."
10. In the instant matter, I have taken cognisance of the fact that the prosecution is not opposed to the application for bail and the fact that the pre-bail report is favourable. Consequently, I find there are no compelling reasons not to admit the accused to bail. The accused person is admitted to bail and he should be released upon signing a bond of Kshs.300,000/= with a surety of similar amount.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 21ST DAY OF MAY, 2024.

J. K. SERGON

JUDGE

In the Presence of:-

C/Assistant – Rutoh

Prosecutor – Miss Chomba

Accused – Present in Person

No Appearance for Mokoit for the Accused

