



**Republic v Kipngok (Criminal Case E027 of 2023)
[2023] KEHC 21303 (KLR) (24 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21303 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDAMA RAVINE
CRIMINAL CASE E027 OF 2023
RB NGETICH, J
JULY 24, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

JOSEPH KIPROTICH KIPNGOK ACCUSED

RULING

1. The accused Joseph Kiprotich Kipngok 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 are that on the night of 25th and April 26, 2023 at Chemoinoi village within Mogotio subcounty of Baringo county, the accused murdered Selly Cheptoo.
2. On the September 3, 2023, the charge and its full particulars were read over and explained to the accused person who denied the charge and a plea of not guilty was entered. The state counsel informed the court that the state is not opposed to the accused being released on bond. The court made an order for a pre-bail report to be prepared by the probation to assist the court in setting bond terms. Pre- bail report for the accused was filed on July 20, 2023.
3. From the pre-bail report, the local administration from the two locations Kimose and Molosirwe indicate that the accused is a very dangerous person and cannot be trusted; they say the community are very hostile to the accused and are ready to lynch him if release. The family confirm the position by stating that the accused's property including title deed were torched and if released, he should relocate to Narok. He further said he is willing to stand surety for him if released but he has no security.
4. The victim's family are of the view that it is still early to release the accused as the matter is still fresh in their minds. From the views of the victim's and accused's family and local administration, it may not be safe to release accused at this stage of trial. Releasing him will be endangering his life as the victim's



family and community are still bitter. This is confirmed from the action of torching of accused's property after the incident

5. *Bond and Bail Policy Guidelines* provide for 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.
...
 - (l) Protection of the accused persons.
6. In view of the fact that there is danger of accused being armed either by victim's family or members of the community as per prebail-report, it will be in the interest of justice to remand accused for his own protection as the ground is still hostile to him.

7. Final orders:

1. Accused is denied bond.
2. Accused may reapply bond at later stage of trial if circumstances change.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 24TH DAY OF JULY 2023.

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RACHEL NGETICH

JUDGE

In the presence of:

Mr. Kemboi - Court Assistant.

Ms Ratemo - Counsel for State.

Ms Kogo - Counsel for Accused.

