



**Republic v Kimtai (Criminal Case E018 of 2023)
[2024] KEHC 14118 (KLR) (14 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14118 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KITALE
CRIMINAL CASE E018 OF 2023
AC MRIMA, J
NOVEMBER 14, 2024**

BETWEEN

REPUBLIC STATE

AND

CALEB CHEMONGES KIMTAI ACCUSED

RULING

1. This ruling is in respect of an application by the Accused for review and variation of the bond terms to the effect that he be released on a personal bond. He alleged that he had no one capable of satisfying the bond terms granted by this Court on 24th October, 2023.
2. The Court called for a Bail Information Report which was filed on 16th October 2024. Whereas Counsel for the Accused urged the Court to consider releasing the Accused on a personal bond, the Prosecution had reservations. Learned Counsel pointed out that the Accused lived in Nairobi and was not well-known in Kitale. Further, the community was still not receptive of the Accused such that if he has to be released then it may be on condition that he does not return to where the deceased used to stay with the mother of the Accused.
3. The application has been carefully considered alongside the Bail report. In as much as the report finally recommended suitability of the Accused being released on personal bond, that was in essence quite conditional. The community is obviously unreceptive to the Accused. In fact, the Accused never used to stay with his family which relocated to Kitale not long ago. He only visited his mother and the deceased who was his daughter and largely lived in Nairobi. Further, this Court interviewed the mother and sister to the Accused. The sister appeared not to be very willing to stand in as a surety even as the Accused urged her before Court to accept. The Court noted the efforts put in by the Accused from the dock in that endeavour.



4. Given the nature of this matter, this Court finds it unsafe to review the bond terms to releasing the Accused on a personal bond. Instead, the Accused may be released on a bond of Kshs. 250,000/= with one (1) surety of similar amount.
5. Orders accordingly.

DELIVERED, DATED AND SIGNED AT KITALE THIS 14TH DAY OF NOVEMBER, 2024.

A. C. MRIMA

JUDGE

Ruling No. 1 delivered in open Court and in the presence of: -

Mr. Bikundo, Learned Counsel for the Accused.

Mr. Kiptoo, Learned Senior Assistant Director of Public Prosecutions instructed by the Office of the Director of Public Prosecutions for the Respondent.

Chemosop/Duke – Court Assistants.

