



**Republic v Cheruiyot alias Victor Bii (Criminal Appeal E025 of 2024)
[2024] KEHC 14096 (KLR) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14096 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL APPEAL E025 OF 2024
JM NANG'EA, J
NOVEMBER 7, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

GEOFFREY KIPROP CHERUIYOT ALIAS VICTOR BII ACCUSED

RULING

1. The accused herein is charged with the offence of Murder Contrary to Section 203 as read with Section 204 of the Penal Code. It is alleged in the particulars of the offence that on 25th July 2024 within Rumoi area in Mbogoini Division of Subukia Sub-County within Nakuru County the accused murdered Schola Chebet. He denies the offence.
2. On his application which was not opposed by the prosecution the accused was granted bond of Kshs. 500,000/= with one surety of like sum.
3. The accused had difficulty meeting the bond terms, and on 19th September 2024 he applied for review. The court was told that his family could only procure a surety for Kshs. 250,000/=. Before determination of the application, the court called for Bail/Bond Report which was filed by the Probation Officer, Nakuru County on 14th October, 2024.
4. I have perused the report which recommended personal bond for the accused. Inter alia, the court is told that he is married and blessed with children. The family including the accused's parents are said to have land that is not titled. They are willing to ensure his attendance in court. Efforts to reconcile the accused and the family of the deceased are also said to have been undertaken.
5. According to the Probation Officer, the accused's family members are willing to offer their national identification cards as security for his release on bond. It is recommended in the circumstances that the accused be granted free bond in the alternative.



6. Article 49(1)(h) of *the Constitution* grants an arrested person 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.
7. The judiciary has developed Bail and Bond Policy Guidelines are aimed inter alia to balance the rights of the suspects and accused persons with the public interest including the rights of victims. The views of the victim or the victims's family are critical in determining whether to grant bond or vary bond terms.
8. The primary consideration in deciding whether or not to order release of an accused person on bond is whether he/she will attend trial. The accused faces a capital offence which could see him sentenced to death if convicted. This factor may dissuade the accused from turning up in court, hence, the need for sufficient guarantees of his appearance in court.
9. Doing my best to balance the interests of notice and the accused's right to bond/bail, the bond sum herein is reduced to Kshs. 300,000/= . The accused's parents will further commint on oath to produce him in court whenever he is required in default of which they will forfeit Kshs. 50,000/= each to the state.

Ruling accordingly.

J. M. NANG'EA, JUDGE.

RULING DELIVERED THIS 7TH DAY OF NOVEMBER, 2024 IN THE PRESENCE OF:

The state, Ms Sang

Advocate for the accused, Mr. Omwansa

Accused, present

J. M. NANG'EA, JUDGE.

