



**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT ELDORET**

**CRIMINAL CASE NO. 66 OF 2015**

**MARY KIMOI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING ON BAIL/BOND**

1. On 20.1.2016, the accused person herein **MARY KIMOI** applied for bail/bond which the court declined to grant mainly on the ground that the safety of the accused could not be guaranteed if the accused was to be released on bail.
2. Many years down the line, it appears that circumstances have changed on the ground, and the accused's brother-in-law, **AMOS KOMEN KENDAGOR** has sworn an affidavit on 22.10.2021 stating that the accused would be received well at home.
3. The accused is a mother of 10 children and is charged with murder of her husband.
4. The accused is entitled to bond or bail. In the circumstances, all the court needs is to establish what terms to impose on bond. The prosecution did not oppose bail but submitted for a sum Shs.150,000 cash bail, or Shs.250,000 bond with one surety of similar amount.
5. The accused has been in remand for over 6 years now. She has young children who need her care. I am satisfied that the accused should be released on an affordable bond terms to take care of her children even as she attends court for hearing of her case.
6. In the upshot, I grant application for bond/bail in the following terms:
  - (i) *The accused is hereby released on cash bail of Kshs.60,000, or alternatively;*
  - (ii) *The accused is released on a bond of Kshs.150,000 with a surety of similar amount.*

**SIGNED AND DATED IN ELDORET THIS 7<sup>TH</sup> DAY OF DECEMBER, 2021.**

**E. K. OGOLA**

**JUDGE**

**DATED AND DELIVERED IN ELDORET THIS 9<sup>TH</sup> DAY OF DECEMBER, 2021.**

**R. NYAKUNDI**

**JUDGE**