

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

HIGH COURT CRIMINAL CASE NO 75 OF 2019

PASCALINE JERIYOT TANUIAPPLICANT

VERSUS

DIRECTOR OF PUBLIC PROSECUTIONSRESPONDENT

RULING

1. The applicant (**PASCALINE JERIOETH TANUI**) faces a charge of murder contrary to section 203 2s read with section 2014 of the Penal Code, which is alleged to have taken place on 19th November 22019 at **KAPKET** village in Moiben sub-county, **UASIN GISHU** county. When plea was taken on 3rd March 2020, she pleaded not guilty, and was remanded at the Eldoret GK Prison
2. She has filed an application by way of notice of motion seeking to be released on bond pending trial saying that her health is deteriorating as the prison conditions do not favour her. Further, that she is a mother of two children who are of tender years who have been left at home alone, and need her love and care. She undertakes to diligently attend court if released on bond.
3. In opposing the application the investigating officer **CPL ROSEMARY NYOKABI** has deposed in a replying affidavit that a pre-bail report was filed in court on 27/2/2020 is not favourable to the accused person, as it was pointed out that the applicant's security could not be guaranteed if she is released on bond at this stage, as the situation on the ground was still hostile. It is emphasized that a substantial amount of time has not lapsed since the filling of the report hence the circumstances on the ground have not yet changed. Further, on contacting one of the relatives of the deceased on the matter, the response is that they are still opposed to the release of the accused on bond. It is also pointed out that no medical documents were annexed to prove the claims that the applicant's health condition is deteriorating in prison
4. I have perused the pre-bail report which indeed pointed out that the circumstances leading to the incident has left a very bitter family who have not yet come to terms with the situation. That report was presented less than a month ago, and I am in agreement with the prosecution that given the high emotions there is need to allow time for heling, and it would not even be safe for the applicant to be returned to the community. I find that there are compelling reasons to warrant denial of granting bail at this time. The application is not merited, and is dismissed

Delivered on-line upon written waiver by applicant's counsel of the right to appear physically and dated this 20TH Day of APRIL 2020 at Eldoret

Delivered, Signed and Dated this 20TH day of APRIL 2020 at Eldoret

H. A. OMONDI

JUDGE