



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**CRIMINAL CASE NUMBER 33 OF 2018**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**HILLARY MAURICE KIPRONO alias JUSTIN KIBOR...ACCUSED**

**R U L I N G**

1. Hillary Maurice Kiprono alias Justin Kibor was charged with **Murder Contrary to Section 203 as read with 204 of the Penal Code**.
2. It was alleged that on 12<sup>th</sup> February 2018 at Rafiki Area, Kambi ya Moto Location, Rongai within Nakuru County he murdered **Joyce Wangari Gichera** his estranged wife. He pleaded not guilty on 31<sup>st</sup> July 2018.
3. On 8<sup>th</sup> August 2018 his bond was denied, because there was evidence placed before the Judge then, that he was a flight risk.
4. According to the affidavit sworn by the Investigating Officer at the first bail hearing, the accused had threatened two (2) of the witnesses with a knife. He was arrested six (6) months after the offence was committed having used Justin Kibor and even having a national identity card to boot.
5. When he was arrested he had in his possession two identity cards bearing the two (2) different names. The Judge who dealt with the issue then, directed that review of the bail application be heard after hearing of crucial witnesses. After the close of the case for the prosecution the accused applied for review of bail.
6. I requested for a bail report.
7. According to the undated Pre-Bail Report, without reference/serial no, but signed by a Probation Officer, and filed on 27<sup>th</sup> February 2020, the conditions that prevailed before the first application for bail have not changed.
8. The accused is still considered a flight risk. The victims, his own children are still traumatized by the events and cannot imagine him being out on bond. On the other hand, one of his sisters has offered to stand surety for him using the title deed to her plot as security.
9. I have considered the accused's request of review of the orders of 8<sup>th</sup> August 2018. It is however evident that accused has the mind to change his identity or acquire a new identity card and masquerade as a different person, he fled his home to that other place (Kapsowar) while his home is in Baringo. What would stop him from doing the same especially now that he knows the totality of the case for the prosecution?

I note that there is no commitment on his part, and reading the script of his actions before arrest, that act of disappearing, the acquisition of another identity with different names and masquerading as that other person; these are the presenting symptoms of a mind to take flight at the slightest opportunity.

10. The sister who has offered to do so may stand surety for him but she may not be in the position to ensure he avails himself for the remainder of his trial.

11. With these signs of the face of the record, I find that the accused is still a flight risk, and even though the victims have already testified, being children, it is not far-fetched that they would still feel threatened by the fact of their father being out on bond while the matter is not yet finalized.

12. These are compelling reasons upon which bond is denied. He will remain in custody until the matter is determined.

**Delivered, Dated and Signed at Nakuru this 9<sup>th</sup> day of April, 2020.**

**Mumbua T. Matheka**

**Judge**

In the presence of:- Via zoom

Edna Court Assistant

For state Ms Mburu

For accused Mr. Opar