



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT BOMET**

**CRIMINAL CASE NO. 8 OF 2020**

**REPUBLIC.....DPP**

**VERSUS**

**ROBERT KIPYEGON RONO.....ACCUSED**

**RULING**

1. The Accused is charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code Cap 63 Laws of Kenya. The particulars of the offence are that on the 2<sup>nd</sup> day of April, 2020, at about 2230Hrs, at Kiptulwo village, within Bomet County murdered Kipchalo Arap Koske alias Richard Kipchalo Cheborigei.

2. The accused took plea on 30<sup>th</sup> June, 2020 before Ongeri J and denied the charge. Learned defence counsel Ms. Chepkemoi then asked the court to grant the Accused bond. Mr. Mureithi learned Prosecution Counsel while not opposing the application, asked the court to direct that a pre bail report be filed.

3. When the matter came before me on 28<sup>th</sup> October, 2020, Ms. Chepkemoi renewed the bond application. She submitted that the Accused was a resident of Bomet and that the pre- bail report was favourable to him. She prayed that the accused be granted reasonable bond terms. On his part, Mr Mureithi stated that he had not seen the probation report and would have no objection to the Accused being granted bond if the report was favourable.

4. I have considered the application. Needless to state, the Accused person has a constitutional right to bail or bond pending trial. The only limitation under Article 49(1)(h) of the Constitution is where there are compelling reasons not to grant bail. It is the practice that such reasons should be brought before the court by the prosecution. Nonetheless, the court has discretion to grant or deny bail while taking into consideration the circumstances of each case.

5. In this case, the probation report states that the deceased was the father of the Accused. The report does however does not give any victim impact statement nor does it indicate the circumstances under which the Accused is alleged to have caused the death of his father. I do not find the report comprehensive. It does not bring out a comprehensive social inquiry with respect to the Accused which inquiry would assist the court exercise its discretion.

6. In the circumstances, I am disinclined to grant the Accused bond. He shall remain in custody pending trial or until further orders of this court.

7. Orders accordingly.

**Ruling delivered, dated and signed at Bomet this 4<sup>th</sup> day of November, 2020.**

.....

**R. LAGAT-KORIR**

**JUDGE**

**Ruling delivered in the presence of the Accused, Defence Counsel Ms. Chepkemoi, Mr. Mureithi for the DPP and Kiprotich(Court Assistant).**