

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERICHO

CRIMINAL CASE NO.17 OF 2018

REPUBLIC.....PROSECUTOR

VRS

BENARD KIPRONO KIRUI.....ACCUSED

RULING

1. In this criminal matter where the accused stands charged with murder contrary to section 203 as read with section 204 of the Penal Code, the accused person through counsel M/s Chelule & Co. Advocates filed an application (Notice of Motion) for bond/bail pending trial on 1st October 2018.

2. Principal Prosecuting Counsel Ms Keli in response informed the court that the State did not oppose the application for bail pending trial as they had no compelling reasons.

3. Under Article 49 (1) (h) of the Constitution of Kenya 2010, every arrested person has a right to pre-trial bond or bail unless there are compelling reasons to deny such bail. The Article provides as follows-

“49 (1) An arrested person has the right-

(h) to be released on bond or bail, on reasonable conditions pending a charge or trial, unless there are compelling reasons not to be released.”

4. In the present case, the State has informed the court that they have no compelling reasons to justify opposition to grant a bond or bail. I myself do not see any compelling reason that can justify refusal of the bond or bail application.

5. I note that both the counsel for the parties have not suggested any reasonable conditions for release of the accused. Doing the best I can, I will allow the application and release the accused person on the following conditions-

i. The accused may be released on signing his own bond of kshs.300,000/- with one surety of similar amount.

ii. In the alternative, he may be released on payment of cash bail of kshs.200,000/-.

iii. He will not interfered with prosecution witnesses.

iv. He will attend every mention of the case and hearings until the case is finalized.

Dated and delivered at Kericho this 22nd day of July 2019.

George Dulu

JUDGE