

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO.5 OF 2018

REPUBLIC.....PROSECUTION

VERSUS

SHADRACK NGENO KIBET.....1ST ACCUSED

CHARLES KIPLANGAT BOSUBEN.....2ND ACCUSED

RULING

1. This is a second request for bail after a previous one was declined by the court to await the testimony of some witnesses.
2. The State still opposes the request for bail, but not on any specific reason. The Prosecution Counsel confirms that the crucial witnesses have already testified.
3. Fresh pre-bail reports have been filed, in respect of each of the two accused persons herein.
4. Article 49 of the Constitution of Kenya 2010 confers a right on all arrested persons to be released on bail unless there are compelling reasons to justify denial of bail. I see no compelling reasons now for denial of bail.
5. I release each of the two accused on bail on the following conditions:
 - a) Each of the accused may be released on signing their own bond of kshs.500,000/- and one surety of same amount.
 - b) In the alternative each of them may be released on paying cash bail of kshs.300,000/-.
 - c) They will not interfere with prosecution witnesses.
 - d) They will attend every mention and the hearing of the case until it is finalized.

Dated at Kericho this 17th September 2019.

GEORGE DULU

JUDGE