

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO.27 OF 2018

REPUBLIC.....PROSECUTION

VERSUS

VINCENT KIPNGENO MUTAI.....ACCUSED

RULING

1. The accused is charged with murder contrary to section 203 as read with section 204 of the Penal Code. He has applied for bail/bond through an application dated 9th November 2018 through his counsel Kemboi & Rotich Advocates.
2. The State through Prosecuting Counsel Ms Keli has opposed the request for bail on the ground that the accused has issued death threats to a key witness in the case relying on an affidavit sworn by the Investigating Officer P. C. Busolo Wandera Vincent on 20th November 2018.
3. Bail is a Constitutional right under Article 49 (1) (b) of the Constitution of Kenya 2010. Bail is applicable to all arrested persons, irrespective of the offence, and can be denied only where there exist compelling reasons.
4. In my view, the threats by the accused to a key witness in this matter is a compelling reason to deny the accused person bail at this time. In my view, it is not in the interests of justice to grant bail to the accused person now until his mother, the victim of the threats has testified.
5. I decline to grant the accused bail. The application for bail is disallowed. It may be renewed later if circumstances change. Right of appeal is explained.

Dated at kericho this 17th September 2019.

GEORGE DULU

JUDGE