

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 47 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

DENNIS KIPROTICH LANGAT.....ACCUSED

RULING

Pursuant to the provisions of **Article 49** of the **Constitution**, **Dennis Kiprotich Langat**, the accused person herein, took out the Motion dated 12th September 2013, in which he applied to be admitted to bail/bond pending trial. The accused swore an affidavit in support of the Motion. Mr. Mutai learned Senior Principal Prosecution counsel informed this court that the office of the Director of Public Prosecutions did not intend to oppose the application since there were not compelling reasons to sustain such an objection.

I have carefully considered the grounds set out on the face of the Motion and the facts deponed in the supporting affidavit. To begin with, the applicant is before this court on the information of the Director of Public Prosecutions dated 7th December 2012 to face a charge of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. The particulars of the offence are that on 2nd December 2012, at Choronok Village, Menet sub-location, Kirokwok location Bomet County, the accused is alleged to have murdered Anderson Kibet Korir. The accused pleaded not guilty to the offence and the trial is yet to commence. The accused is now praying to be released on bond pending trial. Article 49 of the Constitution is quite explicit that an accused person is entitled to be released on reasonable bond terms pending trial unless the prosecution provides compelling reasons justifying denial of such a right. The prosecution has stated that they have no compelling reasons to cause this court deny the accused person his constitutional right. This court has no reason at all to deny the accused the orders sought. I hereby order that the accused Dennis Kiprotich Langat be admitted to bail/bond. Consequently he should be released from custody pending trial upon signing a bond of Kshs.300,000 with one surety of like sum.

Dated, Signed and delivered this 4th day of October 2013.

J.K.SERGON

JUDGE