



**Republic v Chemwotei (Criminal Case E009 of 2024)  
[2025] KEHC 13358 (KLR) (19 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13358 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
CRIMINAL CASE E009 OF 2024  
RB NGETICH, J  
SEPTEMBER 19, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**SAMSON CHEMWOTEI ..... ACCUSED**

**RULING**

1. The accused person herein has been charged with the offence of Murder Contrary to Section 203 as read with Section 204 of the Penal Code. Particulars of the offence being that the accused person on the 26<sup>th</sup> day of June, 2024 at Kapinderem Village, Kapluk Sub-Location in Baringo North Sub- County within Baringo County, murdered Lucy Chepkuto.
2. On the 25<sup>th</sup> of July, 2024 the charge and its full particulars were read over to the accused person who denied the charge and a plea of not guilty was entered. The court then directed that a pre-bail report be filed and the matter be mentioned before the Deputy Registrar on the 7<sup>th</sup> August, 2024.
3. On the 13<sup>th</sup> of November, 2024, the court having perused the pre-bail report denied the accused person bond. The reason was that from the pre-sentence report, the family of the deceased and the local administration were opposed to the accused being granted bond at that stage of trial. The court directed that the accused person may renew his bond application at a later date.
4. When the matter came up before court for hearing on the 3rd June, 2025, Ms. Kosgei, prosecution counsel, informed the court that they were unable to proceed as witnesses from the interior of Baringo North had difficulty travelling. She therefore sought an adjournment. Mr. Chepkilot, Advocate for the accused, did not object but applied afresh for bond review.
5. Ms. Kosgei invited the court to call for another pre-bail report and following this, the court directed that a second pre-bail report be filed.



## Pre-bail Report

6. The report shows the accused is the sixth-born son of the late Chemwotei Komen and the late Esther Chemwotei. His father died of tuberculosis while his mother was killed by robbers. He has six siblings, and the family relies on subsistence farming and casual jobs.
7. The accused maintains a good relationship with siblings. Two sisters and his elder brother supported his release on bond, with one sister offering to host him in Busia. The elder brother offered family land as security, though the title deed remains in the grandfather's name.
8. The accused had formal education up to Standard Three and dropped out due to lack of parental support. He worked as a herder and casual labourer. This is his first offence. He married the deceased in 2019 and they had three children, two of whom were fostered.
9. The accused admits alcohol consumption and brewing. He pleads for lenient bond terms.
10. The deceased, aged 30, was the mother of three children now living with various relatives. She engaged in casual jobs.
11. The deceased's eldest sibling opposed bond, citing bitterness within the family and allegations that the accused's brother discouraged witnesses from testifying. He urged that bond be considered only after key witnesses testify.
12. The local administration confirmed community hostility towards the accused and opposed his release, citing flight risk as he may relocate to Busia.
13. The accused's elder brother expressed readiness to stand surety and provide security in form of land.
14. The probation officer concluded that while the accused's family is supportive but both the victim's family and local administration opposed bond. They recommended bond be considered later, after key witnesses testify.

## Determination

15. Bail is a constitutional right under Article 49(1)(h) of *the Constitution* unless there are compelling reasons to deny it. Article 50(2) further guarantees the presumption of innocence, meaning pre-trial detention should not amount to punishment.
16. Section 123A of the Criminal Procedure Code and the Bail and Bond Policy Guidelines provide that factors such as seriousness of the offence, risk of absconding, interference with witnesses, victim protection, and community safety must be considered.
17. The pre-bail report highlights divided opinions: the accused's family supports release while the victim's family and local administration strongly oppose it. They cite bitterness, safety concerns, and risk of witness interference.
18. Having considered the report and submissions, I find compelling reasons to decline the application. Firstly, the accused is a flight risk. Secondly, his safety cannot be guaranteed given community hostility. Thirdly, there is risk of interference with witnesses. From the foregoing, the application for bond is declined at this stage.

Final Orders:-

- a. Review application for bond is hereby dismissed.



b. Accused to remain in custody pending hearing and determination of this suit.

**RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT ELDAMA RAVINE HIGH COURT (SUB-REGISTRY) THIS 19<sup>TH</sup> DAY OF SEPTEMBER, 2025.**

.....

**RACHEL NGETICH**

**JUDGE**

In the presence of:

Ms. Kosgei for State.

Accused present.

CA, Elvis.

