



**Republic v Chepyegon (Criminal Case E010 of 2025)  
[2025] KEHC 13363 (KLR) (19 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13363 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
CRIMINAL CASE E010 OF 2025  
RB NGETICH, J  
SEPTEMBER 19, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**KIPKORIR CHEPYEGON ..... ACCUSED**

**RULING**

1. The accused Kipkorir Chepyegon is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars are that on 28th April 2025 at Kapchepkor Sub-location in Baringo North Sub- County within Baringo County, he murdered Simon Chepyegon Tuisang.
2. On 22nd May 2025, the charge and its particulars were read to the accused. He pleaded not guilty. The prosecution, represented by Ms. Omari, indicated that they were not opposed to bond, whereupon the court directed that a pre-bail report be filed.

**Pre-Bail Report**

3. The accused attended school up to Standard 7 at Talai Primary School, dropping out in 2012 due to poverty and lack of interest. He has since engaged in farming on family land and casual jobs. He is unmarried, has no dependants, and does not abuse alcohol or drugs.
4. The accused’s family background reveals a history of mental illness affecting four relatives. His mother, brother, and cousin prayed that he be granted bond, assuring the court of their support and willingness to host him. They noted that the family had forgiven the accused, as the deceased—his father—had a long history of mental illness and was often troublesome. They, however, admitted their inability to provide security for bond.



5. The deceased, who was the accused's father, was a farmer known to suffer from mental illness. The secondary victims interviewed did not oppose the accused's release on bond.
6. The local administration and village elder confirmed that the accused is well known in the community, of good character, and not a flight risk. They further noted that the family had resolved to forgive him, and there is no hostility in the community that would compromise his safety.
7. The accused undertook to abide by any terms imposed by the court, though he indicated he does not currently have a surety.

### **Determination**

8. Article 49(1)(h) of *the Constitution* provides that an accused person has the right "to be released on bond or bail on reasonable conditions pending a charge or trial unless there are compelling reasons not to be released."
9. Article 50(2) of *the Constitution* further guarantees the presumption of innocence, meaning pre-trial detention should not be punitive.
10. Section 123A of the Criminal Procedure Code requires the court to consider factors such as the seriousness of the offence, character of the accused, likelihood of interference with witnesses, community ties, and whether the accused's safety would be compromised.
11. The Bail and Bond Policy Guidelines reiterate that the primary consideration is whether the accused will attend trial, with other factors including the protection of victims, the safety of the accused, and public order.
12. In the present case, the pre-bail report is generally favourable. The victim, being the accused's father, is deceased, and the family—including secondary victims—are not opposed to his release. The local administration supports release on bond, confirming he is not a flight risk and the community environment is stable. From the foregoing, I am satisfied that there are no compelling reasons to deny bond.
13. Final Orders: -  
The accused Kipkorir Chepyego is hereby admitted to bond of Kshs. 500,000 with one surety of a similar amount.

**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:  
M/s Mburu for State.  
Accused present.  
CA, Elvis.

