



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Rono (Criminal Case E007 of 2025)
[2025] KEHC 13270 (KLR) (18 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13270 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDAMA RAVINE
CRIMINAL CASE E007 OF 2025
RB NGETICH, J
SEPTEMBER 18, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

SAMUEL KIPTOO RONO ACCUSED

RULING

1. The accused Samuel Kiptoo Rono is charged with murder contrary to Section 203 as read with Section 204 of the Penal Code. Particulars are that on 14th May 2025 at Lain Village, Tolmo Sub-location, Koibatek Sub-County, Baringo County, he murdered Linah Chemjor.
2. On 17th June 2025, the charge was read to the accused, who pleaded not guilty. Counsel for the accused applied for release on bond, submitting that the accused is not a flight risk and undertook to abide by reasonable conditions. The prosecution opposed the application, urging the court to consider the findings of a pre-bail report on the accused's safety. The court accordingly directed that a report be prepared.

Pre-bail Report

3. The pre-bail report reveals that the accused, born in 1994, is married with two children and previously engaged in small-scale business. He does not suffer from any serious medical condition.
4. The accused's father expressed willingness to stand surety but noted that the community remains hostile towards the accused, preferring that he remain in custody until reconciliation with the victim's family is achieved.
5. The victim's family strongly opposed bond, citing strained relations with the accused before the incident and expressing fear and insecurity if he were released.



6. Local administrators associated the accused with prior misconduct, including brewing illicit alcohol, assault, and creating disturbances, though no official records were produced. They reported hostility from the community towards the accused and raised concerns about his safety and likelihood of reoffending.
7. While the accused himself expressed confidence in his safety, both his father and the area administrator considered his home environment unsafe at this stage. The probation officer concluded that releasing the accused on bond would expose him to real risk and recommended that bond be deferred.

Determination

8. Article 49(1)(h) of *the Constitution* guarantees every arrested person the right to bond or bail on reasonable conditions unless there are compelling reasons to the contrary. The presumption of innocence under Article 50(2) further requires that pre-trial detention should not be used as punishment.
9. Section 123A of the Criminal Procedure Code and the Bail and Bond Policy Guidelines outline relevant factors for consideration, including the seriousness of the offence, the accused's character and antecedents, likelihood of interference with witnesses, protection of victims, public order, and the safety of the accused.
10. The accused faces a grave charge punishable by death if convicted. While the seriousness of the offence alone is not a compelling reason to deny bail, the court must weigh other circumstances. In this case, the pre-bail report paints a picture of hostility from the victim's family and the local community. Even the accused's father expressed fear for his safety if released.
11. Protection of the accused is a relevant consideration under Section 123A(2)(b) of the Criminal Procedure Code. The totality of the report indicates that the accused's safety is at risk if released at this stage. From the foregoing, I am satisfied that compelling reasons exist to decline bond at this stage, principally to protect the accused's own safety and preserve public order.

Final Orders: -

- a. The application for bond is accordingly declined.
- b. The accused may renew the application should circumstances change.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT ELDAMA RAVINE HIGH COURT (SUB-REGISTRY) THIS 18TH DAY OF SEPTEMBER, 2025.

.....
RACHEL NGETICH

JUDGE

In the presence of:

M/s Mburu for State.

Applicant present.

CA, Elvis.

