



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KABARNET

CRIMINAL CASE NO. E013 OF 2025

REPUBLICSTATE COUNSEL

VERSUS

TYSON SERONEIACCUSED

RULING ON BOND

1. The accused **TYSON SERONEI** is charged with the offence of Murder contrary to Section 203 as read with Section 204 of the Penal Code. Particulars of the offence are that on the 26th July, 2025 at Kanoo village, Kanoo Sub-location, Lawan Location, Baringo west Sub-county within Baringo County accused murdered PENSIVE SOMOLONG.
2. The accused denied the charge. Counsel applied for bond and prosecution counsel indicated that they have no objection. The court however called for pre-bail report to assist in determining bond terms and confirm security of accused if released.

PRE-BAIL REPORT

3. From the report, the victim was a girlfriend to the accused. They however belong to the same clan. The victim's 2 brothers were interviewed and they are still bitter. They say accused's security is at risk if released.
4. The local administration confirmed that the accused's security is at risk if released as his life will be in danger as the victim's family and community are still bitter. They propose that he be granted bond at a later period.
5. The accused says his father is willing to deposit title in court as security and promises to abide by bond conditions.

ANALYSIS AND DETERMINATION

6. The right to bond is guaranteed under Article 49(1)(h) of the Constitution, subject only to the presence of compelling reasons. The prosecution did not oppose the application; however, the court is obligated to consider all relevant factors, including the safety and protection of the accused if released.
7. The pre-bail report reveals that the deceased was the accused's girlfriend, and both belong to the same clan. The victim's brothers expressed strong bitterness and indicated

that the accused's security would be in danger if he returned to the community at this time. The area administration confirmed this position, noting heightened tension and hostility that may expose the accused to reprisals.

8. The security and protection of an accused person is a legitimate factor in determining whether compelling reasons exist. Courts have held that where an accused is likely to be harmed upon release, this may amount to a compelling reason justifying denial of bond. **See Republic v Danson Mgunya & Another [2010] eKLR**, where the court emphasized the need to ensure the safety of the accused as part of the wider interests of justice.
9. In the present case, the information from the victim's family and area administration demonstrates clear hostility within the community. Releasing the accused at this stage would expose him to real danger and may lead to breach of the peace. This constitutes a compelling reason under Article 49(1)(h).
10. The accused has indicated willingness to comply with bond conditions, and his father is prepared to deposit a Title Deed as surety. However, these positive factors do not outweigh the overriding concern for his safety.

DETERMINATION

11. In view of the foregoing, the court finds that compelling reasons exist, specifically the risk to the accused’s safety if released at this time. Consequently, the application for bond is declined.

12. The accused is at liberty to renew his bond application at a later stage should circumstances change, particularly when community tension has eased and his safety can be reasonably assured.

Ruling delivered, dated and signed virtually at Kabarnet this **20th** of **November** 2025.

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RACHEL NGETICH
JUDGE

In the presence of:

- Court Assistant - Elvis
- Ms.Bartilol for State
- Ms.Barasa holding brief for Ms.Kibet
- Applicant