



**Republic v Kipkogei & another (Criminal Case E006 of 2025)
[2025] KEHC 11537 (KLR) (31 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11537 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDAMA RAVINE
CRIMINAL CASE E006 OF 2025
RB NGETICH, J
JULY 31, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

SHANIC JEPTUMO KIPKOGEI 1ST ACCUSED

MIKE KIPRONO KANGOGO 2ND ACCUSED

RULING

1. The 1st accused, Shanic Jeptumo Kipkogei, and the 2nd accused, Mike Kiprono Kangogo, were jointly charged with the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#). The particulars of the offence are that on the 3rd day of May, 2025, at Westlands area in Mogotio Township of Mogotio Sub- County in Baringo County, the accused persons jointly murdered Winnie Jebet Chesingei.
2. On 9th June, 2025, the charge and its full particulars were read over to the accused persons. They denied the charge and a plea of not guilty was entered. The prosecution counsel, Ms. Omari, informed the court that the prosecution was not opposing the accused persons being granted bond. Accordingly, the court directed that pre-bail reports be filed to assist in determining the bond terms.

1st Accused's Pre-Bail Report

3. The 1st accused is aged 27 years. She sat for her KCSE and scored a D+ (Plus). After staying at home for some time, she was employed as a house help in Lanet in 2017 where she worked for a few months. She later returned home and started a relationship with the 2nd accused. Upon discovering she was pregnant, she moved to Marigat to live with her sister until delivery, after which she went to stay with the 2nd accused. They lived together for three years. In 2021, she was employed as a house help in Rafiki, Rongai Sub- County, for two years. In 2024, she settled in Kamnyangale Village, Mogotio,



where she sold vegetables at the market until her arrest. In May 2025, she relocated to Westlands, Mogotio, where she had stayed for only two weeks prior to the incident.

4. She does not admit the charges. She claims that on the material day, she had washed clothes in the morning, left for her business, and returned early to collect the clothes. Her daughter called her using a neighbour's phone and informed her that her father had brought a woman home. She closed her business and rushed home. On arrival, she found the door locked, peeped through the window, and saw the two in a compromising situation. She pushed the door open, made noise, and someone opened the door. The co-accused ran to the bedroom to dress. She claims the deceased held a knife and tried to attack her. In trying to disarm her, she stabbed the deceased several times. She later surrendered herself to the police.
5. The victim's family remains bitter and has not come to terms with the loss. The deceased was a single mother of two children. One is now in Form Two at Reuben Cheruiyot Secondary School. The whereabouts of the six-year-old boy, who went with his father, are unknown. The grandfather expressed concern that a senior government officer related to the accused may interfere with the case, but stated that they are not opposed to the accused being granted bond provided she and her family do not interfere with witnesses.
6. The community members interviewed were familiar with the 1st accused. The local administrator stated that she is well known and has no criminal record. Mr. Cyrus Chirchir Keter (ID No. 21489937, Tel: 0723246260), the accused's uncle, expressed willingness to stand surety using land parcel Kaptagat/Lotonyok Block 4 (Kapo-olong)/88 measuring approximately 0.101 Ha.
7. The probation officer noted that the accused's family has not sought forgiveness from the victim's family, who are still grieving and concerned about the welfare of the deceased's children.
8. The 1st accused expressed remorse and claimed she acted in self-defense. She pleaded for leniency and undertook to attend court as required. The probation officer recommended her as suitable for release on bond.

2nd Accused's Pre-Bail Report

9. The 2nd accused is 30 years old. He sat for KCSE and scored a C+ (Plus). He enrolled at Baringo Training College for electrical engineering for one and a half years. In 2022, he joined the Administration Police under the Rapid Deployment Unit and was posted to Mpeketoni, Lamu County. He was later transferred to Kainuk Camp, where he remains posted.
10. He denied the charges. He stated that on the material day he met the deceased in Kapsigiroi while she was drunk. She was to show him a pastor selling land, but that did not materialize. They returned to his house where she requested food, which he provided. Later, the 1st accused arrived, tried to open the door which was locked from inside, and events unfolded rapidly. He only recalls seeing the deceased lying in a pool of blood. He went to stay with a police friend in Kamnyangale and returned the following evening. Upon finding the house closed, he called the landlord who notified the police. He was subsequently arrested.
11. The victim's family and the local administration gave similar views as with the 1st accused. The 2nd accused's family is supportive and his nephew, Peter Kipchumba (ID No. 22868783, Tel: 0725908825), is willing to deposit Title Deed No. Lembus/Kabonyony/Moringwa/946 as security. The probation officer found the 2nd accused suitable for release on bond.



Determination

12. Bail is a constitutional right under Article 49(1)(h) of *the Constitution*, which provides:-

“An arrested 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.”
13. Article 50(2) further guarantees the presumption of innocence until proven guilty. Pre-trial detention should not be punitive.
14. Section 123A of the *Criminal Procedure Code* stipulates relevant considerations in bail decisions including: the seriousness of the offence, character of the accused, risk of interference with witnesses, and the likelihood of attending court.
15. The Bail and Bond Policy Guidelines reiterate these principles and list additional factors such as public safety, strength of the prosecution’s case, and the accused’s criminal history.
16. The primary objective of bail is to ensure the accused attends trial. No compelling reasons have been presented to justify denial of bond.
17. The probation reports, sentiments of the victim’s family, and views of the community and local administration indicate that while there is still grief and bitterness, they are not opposed to bond as long as the accused do not interfere with witnesses. The family members have also identified suitable sureties.
18. Final Orders
 1. Each accused person is hereby released on bond of Kshs. 500,000 with one surety of a similar amount.
 2. In addition, the accused persons shall undertake not to interfere with prosecution witnesses.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 31ST DAY OF JULY 2025.

.....

RACHEL NGETICH

JUDGE

In the presence of:

CA Karanja.

Ms. Omari.

Ms. Kusolo for Accused.

Accused Present.

