

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KISII

CRIMINAL CASE NO.6 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

JULIUS BOR KIPKURUI.....ACCUSED

RULING

1. This is an oral application for bond by the accused person **Julius Bor Kipkurui**. He is charged with the offence of murder contrary to Section 203 as read together with Section 204 of the penal Code. It is alleged on 13th January, 2013 at Arare village within Mogor Location in Trans Mara District within Narok County in the Republic of Kenya he murdered **Wilson Boi Kipngetich**. He denies the charge.

2. The provision of article 49(1)(h) of the Constitution of Kenya makes most of the offences bailable, provided that there are no compelling reasons to deny bond. It is incumbent upon the prosecution to offer compelling reasons to guide the court. In the instance case, the state filed an affidavit on 9th May, 2013, the said affidavit is dated 7th May, 2013. Para. 8, the state avers that if released on bond, his own life will be in danger as the situation on the ground is volatile. In para.11, if released the temptation to abscond pending trial is real. Thus the state concludes that there are compelling reasons as to why the applicant should not be released on bail. That the court do exercise its discretion and deny the applicant bail so as the case may be heard and determined on basis of merit.

3. Accordingly, the court's discretion will be to grant the accused bond . thus the accused is hereby released on personal bond of KShs. 1,000,000 with two sureties of similar amount. The same to be approved by the Deputy Registrar of this court.

4. Upon his release, the accused is to attend court on monthly basis until the hearing and determination of his case. Any one default, the bond will be cancelled forthwith and the sureties made to account. The first such mention to be on 16th January, 2015.

5. It is so ordered.

Ruling dated and delivered at KISII this 16th day of December, 2014

C.B. NAGILLAH,

JUDGE.

In the presence of:-

Kaburi for accused- no in for the applicant

Otieno for the state for the respondent

Edwin Mongare Court Clerk.