



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

CRIMINAL CASE NO. 7 OF 2016

REPUBLIC.....PROSECUTOR

versus

ANTHONY KIPLANGAT.....ACCUSED

JUDGMENT

1. **ANTHONY KIPLANGAT (the accused)** was arraigned before this court on 16th March 2016. However it was not until 14th June 2016 when the charge of murder were put to the accused. The delay was partly because the psychiatrist was on leave and plea could not be taken in absence of a psychiatrist report.

2. Subsequently accused applied for bail pending trial and by this court's ruling of 11th October 2016 his application was declined. The court in declining to grant bail considered the depositions of the investigating officer where that officer opposed the application for bail on the grounds that the accused was flight risk, was likely to interfere with witnesses and that he was at risk of being harmed by members of the public.

3. The accused again renewed his application for bail and this court by its ruling of 4th April 2017 declined to grant the accused bail on the basis that the circumstances had not changed.

4. The court also ruled on 4th October 2017 on the accused renewed bail application on the ground that the circumstances had not changed.

5. On 8th November 2017 the accused renewed his application for bail arguing that the civilian witnesses had all testified and the remainder of witnesses were police officers and that accordingly the accused would not interfere with those witnesses.

6. It is important to note that the accused is entitled to make as many applications for bail as he desires. But in making those applications it is important to show which circumstance had changed.

7. The information the Principal Prosecution Counsel Mr. Tanui gave to the court on 8th November 2017 was that there were three more witnesses remaining to testify. Learned counsel did not state that the three remaining witnesses were police officers. It follows that the reason relied upon by this court in declining to give bail pending trial, that is that the accused might interfere with witnesses, has not been sufficiently explained away.

8. Similarly the accused did not state that his life is now less in danger than before.

9. But perhaps the most important issue is that the accused has not demonstrated that he will not abscond his trial, which is now at its tail end if granted bail.

10. For the above reason I decline to grant bail pending trial.

11. It is so ordered.

DATED and DELIVERED at NANYUKI this 6th day of DECEMBER 2017

MARY KASANGO

JUDGE

CORAM

Before Justice Mary Kasango

Court Assistant: Njue/Mariastella

Accused: Anthony Kiplangat

For Accused:.....

For the State:

Language:

COURT

Ruling delivered in open court.

MARY KASANGO

JUDGE



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