



Case Number:	Criminal Revision 76 of 2018
Date Delivered:	18 Dec 2018
Case Class:	Criminal
Court:	High Court at Bomet
Case Action:	Ruling
Judge:	Martin Muya
Citation:	Republic v Ronald Cheruiyot Yegon [2018] eKLR
Advocates:	Miss Kariuki for the state.
Case Summary:	-
Court Division:	Criminal
History Magistrates:	-
County:	Bomet
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	One party or some parties represented
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT BOMET**

**CRIMINAL REVISION NO 76 OF 2018**

**REPUBLIC.....APPLICANT**

**VERSUS**

**RONALD CHERUIYOT YEGON.....RESPONDENT**

**RULING**

The respondent was charged with the offence of defilement C.S 8 (10 as read with Section 84(4) of the Sexual Offences Act No 3 of 2006 in Cr. Case No. 32 of 2018.

The particulars being that on the 28<sup>th</sup> day of July 2018 within Bomet County, intentionally unlawfully caused his penis to penetrate the vagina of MCL a child aged 17 years.

When the case was mentioned for plea, the prosecutor told the court that there was likelihood of interference by Accused of witnesses. The court called for a pre bond report.

Upon receipt of that report the court noted that though the report was not favourable it did not raise any compelling reasons and proceeded to grant the accused an bond of Kshs.100,000/= with on surety of similar amount. It is this grant of bail that the state calls for revision.

Article 49 (1) (h) of the Constitution provides that an accused person has the right to be released on bond unless there are compelling reasons not to.

The learned trial magistrate did not find any compelling reasons. The pre-bond report is not in itself binding on the court. If there are fears of the accused interfering with witnesses he can be warned by the court. If the court is satisfied that there are attempts or likelihood of interference, it can cancel the bond. The matter does not have to be brought before the High Court but applications can still be made before the lower court with the investigating officer being required to swear an affidavit as to the allegations and if need be being called upon to be cross-examined on the contents of his affidavit. I find no good grounds to interfere with the orders of the learned trial magistrate grant of bond. The original file to be transmitted to the court for hearing and determination.

Mention on 22/1/2019 before the Trial Magistrate.

**M. MUYA**

**JUDGE**

**18/12/2018**

Ruling delivered and dated this 18/12/2018 in the presence of Miss Kariuki for the state.

Mr. Koech (absent)

**M. MUYA**

**JUDGE**

18/12/2018



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