



**Moi v Republic (Criminal Application E095 of 2024)
[2024] KEHC 10085 (KLR) (12 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10085 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPLICATION E095 OF 2024
RE ABURILI, J
AUGUST 12, 2024**

BETWEEN

DUNCAN OKUMU MOI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant is a convict of the offence of defilement under section 8(3) of the *Sexual Offences Act*. He was sentenced to serve twenty years in prison and from his application, he has filed an appeal which is pending. he seeks to be released on bond pending appeal. There is no reason why he did not apply within the appeal file instead of duplicating file.
2. I have considered the application and I am not satisfied that considering the long prison term that the applicant is serving, the appeal will in any way be rendered nugatory if he is not granted bail pending appeal which is discretionary. The applicant has not demonstrated that he deserves the orders sought. The court is hearing 2024 appeals and therefore I do not find the urgency involved in this matter. The fact that he is a student and has a family and that his mother and grandmother are ailing or that he may lose his payment from Jalaram International Academy does not guarantee him bail pending appeal considering the seriousness of the offence and the long-term sentence imposed.
3. I dismiss the application dated 27th My, 2024 and order that the appeal HCRA E015 of 2024 be heard instead.
4. Signal to issue.
5. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 12TH DAY OF AUGUST, 2024

R.E. ABURILI



JUDGE

