



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL APPEAL NO. EO97 OF 2021

ABDULRASUL BAHADULAPPELLANT

VERSUS

THE DIRECTOR OF PUBLIC PROSECUTIONS.....RESPONDENT

R U L I N G

1. The Appellant Abdulrasul Bahadal referred this appeal from the conviction in Shanzu CR. Case No. 819 of 2017 where he was convicted for the offence of stealing contrary to Section 268(1) as read with Section 275 of the penal code.
2. The particulars were that the Appellant on diverse dates between 17th day of August 2012 and 4th April 2016 at Mombasa within Mombasa County, stole a total of Kshs.22,000,000/= the property of Shanne Abbas Mustafa Kanani.
3. By an application dated 12th November 2021, the Appellant sought to be admitted to bail/bond pending the hearing and determination of his appeal and that appeal be heard on priority basis and at the earliest opportunity.
4. The Application was supported by the grounds on the face of the application and affidavit sworn by the Appellant. The application was not opposed.
5. Having considered the grounds of appeal, the application and the Judgement and proceedings of the lower court and in consideration of the same and in absence of any opposition the application by the Appellant is hereby allowed.
6. The Appellant is granted bond of Kshs.2,000,000/= with a surety of the same amount. The appellant will have to attend for mention after every 30 days starting with 28/02/2022 pending hearing and determination of appeal. Registry to call for lower court records.

Judgment dated, signed and delivered in Open Court

this 27th day of **January 2022**

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of:-

Ogwel - Court Asst.

Appellant - Present in person

Mr. Amadi Advocate for Appellant/Applicant - No appearance

Mr. Mulamula for state

Hon. Lady Justice A. Ong'injo

Judge