

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL APPEAL NO.20 OF 2020

BERNARD KIPKIRUI MUTAI.....APPELLANT/APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. The Applicant/Appellant herein was charged in KERICHO CMCC 747 of 2011 jointly with the Applicant/Appellant in Kericho CR. Appeal No.19/20 where a similar Application was filed and a ruling was delivered on 24/7/2020.
2. The two Applicant/Appellants in this case and in Kericho CR. Appeal No.19/2020 were also charged with one EDWARD WILLIAM OCHOLLA who has not filed an Appeal.
3. The circumstances of the case were similar except that the Applicant/Appellant in this case together with EDWARD WILLIAM OCHOLLA were employees of Ndege Chai Sacco while the Applicant/Appellant in CR. Appeal No.19 of 2020 was not.
4. For that reason, I order that the two Appeals be consolidated and heard together to save on court's time.
5. I also direct that the ruling delivered in Kericho CR. Appeal No.19/2020 dated 24/7/2020 on bail pending appeal abides in this case and I accordingly grant the Applicant/Appellant herein bail pending appeal on similar terms as follows:
 - i) THAT the Applicant/Appellant be released on a bond of Kshs.500,000 with one surety similar amount or cash bail of Kshs.200,000.
 - ii) THAT the Applicant/Appellant should appear in court as and when required.
 - iii) THAT the sentence imposed upon the Applicant/Appellant be and is hereby suspended awaiting the outcome of the Appeal.
 - iv) THAT the Applicant/Appellant to prosecute the Appeal within six months from the date of his release from custody.

Delivered, signed and dated at Kericho this 30th day of July 2020.

A. N. ONGERI

JUDGE