

REPUBLIC OF KENYA.

IN THE HIGH COURT OF KENYA AT BUNGOMA.

CRIMINAL APPEAL NO. 15 OF 2018.

HUMPHREY WAKULWA WANJALA.....APPELLANT

VERSUS.

REPUBLIC.....RESPONDENT

R U L I N G.

The appellant Humphrey Wakulwa Wanjala was convicted of the offence of defilement contrary to Section 8(1) as read with Section 8(4) of the Sexual Offence Act, and sentenced to serve 20 years imprisonment on 4.4.2018. He filed an appeal against the conviction and sentence. On 18.6.2016 he filed this application dated 13.6.2018 seeking that he be released as bail pending appeal. The grounds for the application are that the Constitutional rights of the accused demand that he be admitted to bail pending appeal as he is not a flight risk; and that the appeal has overwhelming chances of success.

Mr. Oimbo for State opposes the appeal. He contends that the applicants' presumption of innocence has fallen and he cannot claim bail pending appeal as of right; and secondly that the appeal does not have overwhelming chances of success.

I have considered the application and the objection. I decline to grant the application but due to the fact that this application was brought under certificate of urgency, direct that the appeal be heard on 8.11.2018.

Dated and Signed at Bungoma this 23rd day of October, 2018.

S.N. RIECHI

JUDGE