



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**CRIMINAL APPEAL NO. 98 OF 2016**

**PETER KEMBOI CHIRCHIR ..... APPELLANT**

**VERSUS**

**REPUBLIC ..... PROSECUTOR**

**RULING**

The appellant herein **PETER KEMBOI CHIRCHIR** has through his advocate made an application to be released on bail during the pendency of his appeal.

The appellant had been tried and convicted at the Molo Law Courts for the offence of **Assault Causing Greivous Bodily Harm** contrary to Section 234 of the Penal Code. Following his conviction the appellant was sentenced to serve five (5) years imprisonment.

The application for bail pending appeal was opposed by the State. I have perused the proceedings of the trial before the lower court. At this stage the court is not required to determine the merit or otherwise of the intended appeal. All this court has to determine is whether the appellant is entitled to be released on bail during the pendency of his appeal. This will depend on factors like

- Whether the accused is a flight risk
- Whether the appeal has chances of success
- How soon the appeal is likely to be determined

I have noted that the appellant was out on bond during his trial and at no time did he abscond or fail to attend court. I am satisfied that the appellant is not a flight risk. I therefore allow this application for bond pending appeal. The appellant may be released on a bond of Ksh 100,000/= plus 1 surety of a like sum or a cash bail of Ksh, 50,000/=.

Hearing on of appeal on 11/7/2017.

**Dated in Nakuru this 17<sup>th</sup> day of June 2017.**

Mr. Bosire for Appellant Ms Nyakira for DPP

Hearing of Appeal on 17/10/2017.

**Maureen A. Odero**

**Judge**