



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NYAMIRA**

**HCCRA NO. 78 OF 2017**

**GEORGE NYANDIKO OUCHO ..... APPELLANT**

**-VERSUS-**

**REPUBLIC ..... RESPONDENT**

**R U L I N G**

1. This is a ruling following an application for admissions to bail/bond pending the hearing and determination of the appeal against both the conviction and sentence.
2. The applicant herein was charged and tried for assault causing bodily harm contrary to **Section 251** of the Penal Code. He was convicted and sentenced to **2 years** imprisonment.
3. He has filed an appeal against the conviction and sentence.
4. By his application he applies for bond pending that hearing and determination of his appeal.
5. The prosecutor **Mr. Ochieng'**, opines that the appeal is arguable and has a high chance of success. Additionally, the applicant is a husband of the complainant. He has reconciled with her as per the affidavit. Further, the applicant is sickly and continued incarceration will only worsen his health.
6. Accordingly, the court will release the applicant on personal bond of Kshs.50, 000/= with one surety pending the hearing and determination of his appeal. The same be approved by the Deputy Registrar of this Court. The terms of the bond is that the applicant to attend mention of his case every month until his appeal is heard and determined. Any one default the surety would made to account, and the bond shall forthwith be cancelled.

**Delivered on 8<sup>th</sup> day of December 2017 at Nyamira**

**C.B. NAGILLAH**

**JUDGE**

**In the presence of:-**

**The appellant** in person

**Emmah Okok** for the Respondent

**Mercy** Court Clerk