



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**CRIMINAL APPEAL NO. 155 OF 2016**

**(FORMERLY NANYUKI HCA 52 OF 2016)**

**BONIFACE MWANGI WAMUGI ..... APPELLANT**

**VERSUS**

**REPUBLIC .....STATE**

**RULING**

The appellant **BONIFACE MWANGI WAMUGI** through his advocate **MR. MBUGUA** has filed this application dated 22/9/2016 seeking to be released on bail during the pendency of his appeal. The appellant was convicted before the Nyahururu Law Court of the offence of Defilement and was sentenced to serve twenty (20) years imprisonment. He has filed the Petition of Appeal dated 19/8/2016 challenging both his conviction and sentence.

At this stage the court is not required to delve into the merits or otherwise of the intended appeal. The appellant having been tried and convicted by a court of competent jurisdiction can no longer rely on the presumption of innocence.

I have perused the record of the trial before the lower court. I am not persuaded that this application has merit and the same is hereby denied. The appellant will continue serving his sentence until his appeal is heard and determined.

Dated in Nakuru this 22<sup>nd</sup> day of December, 2016

Mr. Mbugua for Appellant

Mr. Motende for DPP

**Maureen A. Odero**

**Judge**