

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL APPEAL NO. 184 OF 2016

JAMES WANJAU GITHINJI ... APPELLANT

VERSUS

REPUBLICSTATE

RULING

The appellant herein **JAMES WANJAU GITHINJI** has through his advocate filed this application seeking to be released on bail during the pendency of his appeal.

At this stage the court is not being asked to pronounce itself on the merits or otherwise of the appeal. The appellant having been tried and convicted by a properly constituted court of law can no longer claim bail as a right. The presumption of innocence no longer applies.

I have perused the record of the trial. I find no merit in the present application and the same is hereby dismissed. No order on costs.

Dated in Nakuru this 22nd day of December, 2016

Mr. Mbugua holding brief for Mr. Waichungo

Mr. Motende for DPP

Maureen A. Odero

Judge