

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL APPEAL NO. 52 OF 2014

IGNATIUS ANYENGA OMAE.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. This is an application for bond pending appeal. The applicant was charged with assault causing actual bodily harm contrary to section 251 of the Penal Code. The particulars of the offence were that on the 7th day of June, 2014 at Nyamware sublocation keumbu Location in Kisii Central District, within Kisii county unlawfully assaulted **Hellen Bosibori Omare**, thereby occasioning here actual bodily harm. At the subsequent trial the accused was found guilty and duly convicted and consequently sentenced to serve two (2) years imprisonment.
2. The accused has filed an appeal which is Appeal no. 52 of 014. He has also made this application for bond pending the hearing and determination of his appeal. The state has not opposed this application for two reasons:

1. *That the applicant was sentenced to two(2) years imprisonment following his conviction on 12th June, 2014-by todate he has served (7) seven months of his two year sentence.*
2. *That there are overwhelming chances that the appeal could succeed.*
3. His counsel is of the view that since the accused has served part of his sentence, chance that he can abscond are next to nil.
4. Since there are no compelling reasons for denial of bond, the court will give the accused a personal bond of kshs. 300,000 with one surety of similar amount the same to be approved by the Deputy Registrar of this court. Should the accused be released he is expected to attend court mentions every month until the hearing and determination of his appeal case. The first such mention will be on 27th February, 2015.
5. However, if he defaults, the bond will be cancelled and then surety will be made to account; and the accused will be made to return to prison to continue serving the balance of his prison term still unserved.
6. It is so ordered.

Dated and delivered at KISII this 30th day of January, 2015.

C.B. NAGILLAH,

JUDGE.

In the presence of:-

Okemwa holding brief for Ogari for the appellant.

Clare for the respondent

Edwin Mongare Court Clerk.