

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

MISC. CRIMINAL APPLICATION NO. 131 OF 2014

JOHN OTIENO OMBOKAPPELLANT

VERSUS

REPUBLICRESPONDENT

RULING

1. The applicant seeks bail pending the hearing and determination of his appeal whose number he gives as **128/2014**. The application is premised on the ground that the appeal “has high chances of acquittal” and that he is ready to abide by the court’s decision and regulations if granted the bond.

2. The application is opposed. At the hearing Miss Muriu, counsel for the state, urged that it was not demonstrated that the appeal had high chances of success. She also reckoned that the appeal could be heard expeditiously and notified the court that the applicant is serving a term of ten years imprisonment.

3. The application is to say the least very sketchy. The applicant does not even disclose what offence he was convicted for and the period he is serving. There are no proceedings and judgment attached and it is therefore impossible for this court to determine whether the appeal has high chances of success and that he is likely to have served his term by the time the appeal is heard. The application is dismissed. As appeals for the year 2014 are already being heard, I am confident that this will also be heard expeditiously. All is not therefore lost for the appellant.

Dated, signed and delivered at Kisumu this 19th day of February, 2015.

E.N. MAINA

JUDGE

In the presence of:

Mr. Ruto for State Counsel

In person for Appellant

Moses Okumu Court Interpreter

ENM/aar