



**REPUBLIC OF KENYA**

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

**CRIMINAL APPEAL NO. 81 OF 2014**

**EMILY CHEPKOECH ..... APPELLANT/APPLICANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**RULING**

By Notice of Motion dated 16th May, 2014 the Appellant prays for bail pending appeal.

It is premised on the grounds that:-

- ***The appeal has taken long to be heard and determined.***
- ***The appeal has a high chance of success.***

It is supported by the affidavit of Emily Chepkoech the Applicant herein sworn on 16th May, 2014.

The application was canvassed before me on 28th July, 2014. Learned Counsel Mr. Kegehi appeared for the Applicant while learned state counsel Mr. Mulati appeared for the Respondent.

The guiding principles in an application of this nature is whether the appeal has a high chance of success and whether the Applicant has demonstrated any unusual and exceptional circumstances that would warrant the granting of bail pending appeal.

On success of the appeal, I have looked at the proceedings. The Applicant entered an unequivocal plea of guilty. The proper procedure of taking plea was followed. I do not wish to elaborate further than this for the risk that I may determine the appeal at this stage. The first test therefore fails.

As to unusual and exceptional circumstances, all that was submitted is that the Applicant is likely to serve the sentence by the time the appeal is heard. This is not an unusual and exceptional circumstance that would favour her.

In the end the application lacks merit and I dismiss it.

**DATED and DELIVERED at ELDORET this 21st day of November, 2014.**

**G. W. NGENYE – MACHARIA**

**JUDGE**

**In the presence of:**

Appellant present for the Appellant/Applicant

Mulati for the Respondent