



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KERICHO**  
**CRIMINAL APPEAL NO. 6 OF 2010**

**BONIFACE ANANI ODIALA.....APPELLANT**

**-VERSUS-**

**REPUBLIC.....RESPONDENT**

**RULING**

1. This ruling relates to an oral application by the Appellant to be admitted to bond pending appeal. The application was made on 18<sup>th</sup> February 2012 when the matter came up for mention before me.
2. In response to the application, Mr. Rogoncho, counsel for the Respondent submitted that the Appellant had been admitted to bond pending appeal of the sum of Kshs. 20,000/- with a surety but that the Appellant had failed to attend court on 11<sup>th</sup> July 2012 leading to the cancellation of the bond and apprehension of the Appellant. Mr. Rogoncho indicated to the court that he was not opposed to the release of the Appellant on bond.
3. In reply to the above submissions, the Appellant told the court that he had been attending court faithfully but that on 11<sup>th</sup> July 2012, the matter was not listed. That is why he did not attend court on that date. but had The Responded through State Counsel Mr. Rogoncho appbefore me is dated 17<sup>th</sup> December 2012. The application is brought under Sections 356 and 357 of the Criminal Procedure Act cap 75 of the Laws of Kenya.
4. I have considered the application. I make the following view of the same.
5. It is clear that the Appellant having been admitted to bond in the first pace was found by this court

to be meriting of such admission. I further note that the offence for which the Appellant was convicted of is stealing by servant of an amount of in the region of Kshs. 80,000/-.

6. The reasons that the Appellant gave for not attending court on 11<sup>th</sup> July 2012 in my view are convincing and have, in any event not been objected to by the State.
  
7. Consequently, I am inclined to hereby grant the Appellant bond but in enhanced terms to ensure that the Appellant attends court without fail in future. In that regard, I hereby grant the Appellant bond of Kshs. 50,000/- with one surety of a similar amount.
  
8. It is so ordered.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 21<sup>ST</sup> DAY FEBRUARY 2013.**

**J.M. MUTAVA**

**JUDGE**