



**REPUBLIC OF KENYA**

**High Court at Mombasa**

**Criminal Appeal 145 of 2012**

**IBRAHIM HUSSEIN CHIBIBO..... APPELLANT**

**- Versus -**

**REPUBLIC ..... RESPONDENT**

***(From Original Conviction and Sentence in Criminal Case No. 1391 of 2001 of the Principal Magistrate's Court at Mombasa – E. K. Usui Macharia (PM))***

**RULING**

This is a ruling in an application for bond pending appeal. The Applicant was convicted on 10 Counts of obtaining money by false pretences contrary to Section 313 of the Penal Code.

It is the contention by the Applicant that the appeal has high chances of success and the Applicant has served much of the sentence.

Further that the trial Magistrate did not indicate whether the sentence was to run consecutively or concurrently.

It is also argued that the Applicant was out on bond during the period of the hearing of his case and he did not abscond.

This application is not opposed by the State. I have perused the record of proceedings and I am satisfied that the appeal has high chances of success. I have also observed the Applicant who is aged and appears ailing. He is admitted to bond pending the determination of his appeal.

He may be released on a bond of Kshs. 100,000/- with one surety or cash bail of like amount.

**Judgement read and delivered in open Court this 20<sup>th</sup> day of March 2013.**

**M. MUYA  
JUDGE**

**In the presence of:-**

**Mr. Dzumo for the State**

**Mr. Shimaka – Counsel for the Accused/Applicant**

**Court clerk – Mr. Musundi**