



REPUBLIC OF KENYA

High Court at Mombasa

Criminal Appeal 277 of 2012

*(From Original Conviction and Sentence in Criminal Case No. 677 of 2009 of the Chief Magistrate’s Court at Mombasa – R. Odenyo (SPM))*

VINCENT GITAMO OKIOGA ..... APPELLANT

- Versus -

REPUBLIC ..... RESPONDENT

RULING

The Appellant/Applicant was sentenced to two years imprisonment on Count III for the charge of Stealing by Servant contrary to Section 281 of the Penal Code.

The particulars of which were that-

**“On the 3rd day of February 2009 at CFC Stanbic Bank along Digo Road in Mombasa District, being the Accountant to Savings Tea Brokers Ltd, jointly with others not before the Court stole Kshs. 482,740/- the property of the said Savings Tea Brokers Ltd which came into his possession by virtue of his employment being an Accountant.”**

This is an application seeking for the release of the Accused on bond pending appeal.

The grounds are that there is no likelihood of his absconding as can be gleaned from his record in the Subordinate Court.

Secondly, the contention by the Applicant is that the Appeal has high chances of success.

This application is not seriously contested by the State. I have perused the record of proceedings and I am satisfied that the Accused was attending Court without fail save for one occasion only when a warrant of arrest was issued against him but was later cancelled after he proffered an explanation. I will not go into the merits of his appeal but it has chances of success.

I accordingly admit the Applicant to bond pending appeal. He may be released on a bond of Kshs. 100,000/- with one surety of similar amount.

**Ruling read and delivered in open Court this 20th day of March 2013.**

**M. MUYA  
JUDGE**

**In the presence of:-**

**Mr. Jami for State**

**Mr. Oduor – Counsel for the Accused**

**Court clerk – Mr. Musundi**