



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CRIMINAL APPEAL NO. 111 OF 2013**

**PAUL KIMANI KIARIE .....APPELLANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**RULING**

The Appellant **PAUL KIMANI KIARIE** was Convicted and Sentenced to serve 15 years imprisonment for the offence of stealing contrary to section 275 of the Penal Code making a false document and uttering.

This is an application for bond pending appeal brought under section 357 of the Criminal Procedure Code.

The grounds are that the Appellant has lodged an appeal against Conviction and Sentence which has high chances of success.

It is further supported by the affidavit of the applicant who depones that he is diabetic and needs medication and a diet which is not available at the prison.

The application is opposed on the grounds that the applicant committed this offence while he was out on bond and further that he had admitted owing the amount stated in the charge sheet to the Complainant.

I have perused the record of proceedings. The Accused did not admit having committed the offence but maintains that it was a bad deal and was Conned and intends to make sure that the complainant gets back his money. There is nothing to show that he committed the offence while he was out on bond in another case. The Appellant had been admitted to bond in the lower Court and had not absconded.

He alleges that he is diabetic and requires a special diet. There is no evidence to the contrary. I find the application has merit. The Applicant is admitted to a bond of Ksh. 500,00/= with one surety or cash bail of Ksh. 300,000/= pending the hearing and determination of his appeal.

Ruling read and delivered this **28th** day of **August, 2013**.

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**M. MU YA**

**JUDGE**

**In the presence of:-**

Counsel for the Appellant Gikandi holding brief Mburu Kariuki

Counsel for the State Mr. Tanui

Court clerk Musundi