

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL APPEAL NO. 13 OF 2012

(From Original Conviction and Sentence in Criminal Case No. 2869 of 2009 of 2010 of the Chief Magistrate's Court at Mombasa: T. Ole Tanchu – S.R.M.)

JOHN MAKUMI MWAURA APPELLANT

=VERSUS=

REPUBLIC RESPONDENT

RULING

The Applicant herein has applied to be released on bond pending appeal. The granting of bond pending appeal lies at the discretion of the High Court. The two main considerations are firstly whether there is an arguable appeal and secondly whether the Applicant poses a high flight risk. The mere fact that an appeal has been filed is not in and of itself valid grounds to grant bail. I have carefully perused the record of the trial before the lower court. The Applicant was convicted after due process by a properly constituted court of law. I find no merit in the present application and the same is denied. The sentence imposed by the trial court will remain in force pending the hearing and determination of the appeal.

Dated and Delivered in Mombasa this 14th day of February 2012.

**M. ODERO
JUDGE**

In the presence of:
Mr. Waithera for Applicant
Mr. Gioche for State