



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CRIMINAL APPEAL NO. 29 OF 2012**

*(From Original Conviction and Sentence in Criminal Case No. 3629 of 2009 of the Chief Magistrate's Court at Mombasa: M.O. Kizito – S.R.M.)*

**THOMAS OBWOKO OKWAYO ..... APPELLANT**

**=VERSUS=**

**REPUBLIC ..... RESPONDENT**

**RULING**

The accused herein has brought a Notice of Motion under Certificate of Urgency seeking to be released on bail/bond pending the hearing and determination of his appeal. The application was not opposed by the State. I have perused the proceedings from the lower court. I note that the accused was out on bond during the course of his trial and at no time did he fail to attend court as required. I do hereby allow this application. The accused may be released on a bond of Kshs.1.5 million plus 1 surety of a like sum. This ruling to apply to the Applicants in Criminal Appeal No. 30 of 2012 and Criminal Appeal No. 31 of 2012 which also emanate from the same trial Criminal Case 3629 of 2009.

**Dated and Delivered in Mombasa this 16<sup>th</sup> day of March 2012.**

**M. ODERO  
JUDGE**

In the presence of

Mr. Ojode holding brief for Mr. Katete

Mr. Gioche for State