



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL APPEAL NO. 13 OF 2011

(From Original Conviction and Sentence in Criminal Case No. 150 of 2010 of the Senior Resident Magistrate's Court at Kaloleni: S. Wewa – S.R.M.)

KENNEDY KONDE MUNGA APPLICANT

-VERSUS-

REPUBLIC RESPONDENT

RULING

This is the application dated 8th February 2011 by which the Applicant seeks to be admitted to bail pending the hearing and determination of his appeal. **MR. ATANCHA** Advocate argued the application on behalf of the Applicant whilst **MR. ONSERIO** State Counsel opposed the same.

I have carefully considered the submissions made by both counsel. I have likewise taken into account the history of this case. In my view there exists the very real danger that the Appellant will abscond if released on bail. I therefore decline to allow his application for bail pending appeal and direct that the Appellant will remain in custody pending the hearing and conclusion of his appeal.

Dated and Delivered in Mombasa this 23rd day of March 2011.

M. ODERO
JUDGE

In the presence of:
Mr. Atancha for Applicant
Mr. Onserio for State