



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL APPEAL NO. 129 OF 2011

(From Original Conviction and Sentence in Criminal Case No. 167 of 2011 of the Chief Magistrate’s Court

at Mombasa: L. Mutende – S.P.M.)

DORIS ANYANGO

OSINO.....APPELLANT

=VERSUS=

**REPUBLIC.....RE
SPONDENT**

RULING

The applicant herein **DORIS ANYANGO OSINO** has through her Advocate **MR. KANYI** applied to be released on bail pending the hearing and determination of her appeal. The applicant had been charged with the offence of **TRAFFICKING IN NARCOTIC DRUGS** for which she was convicted by the Senior Principal Magistrate and was thereafter sentenced to serve fifteen (15) years imprisonment. The applicant has filed an appeal against both that conviction and sentence. She now comes to this court seeking to be released on bail during the pendency of that appeal. The position of this applicant is very different from that of an accused person who is seeking bail pendency trial. In the latter case such an accused has not been convicted. In this case the applicant stands convicted by a duly constituted court of law. The applicant must persuade this court that there exist extremely valid grounds for the temporary suspension of her sentence. The mere fact that one has filed an appeal does not automatically entitle one to bail. I have considered the submissions of Mr. Kanyi as well as those of Mr. Onserio. In view of the serious nature of the offence charged and the stiff penalty it attracts I find that the applicant does pose a flight risk. I am not persuaded that there is any valid basis to suspend her sentence and I therefore disallow the applicant’s application for bail pending appeal.

Dated and delivered in Mombasa this 15th day of July 2011.

M. ODERO

JUDGE

In the presence of
Mr. Kanyi for accused
Mr. Onserio for State