

the evidence called showed there was defilement. It would appear that the charge and the evidence were at variance. In my view, there is sufficient material to reach the conclusion that the appeal has overwhelming chances of success. I admit the Applicant to bail. He will sign a bond of Ksh.200,000/= and avail one surety in similar amount who shall be approved by the Deputy Registrar.

Signed and delivered at Bungoma this 6th day of October 2011 in the presence of Mrs. Leting for the State M/s Immene for the Applicant and Lilian Gimose the court clerk.

A. O. MUCHELULE
JUDGE