



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CRIMINAL APPEAL CASE NO. 110 OF 2011

WILSON MWOBODIA MUTHAMIA APPELLANT

VERSUS

REPUBLIC RESPONDENT

RULING

On 6th September 2011, the appellant filed a notice of motion under Section 357 (i) of the Criminal Procedure Code and Sections 10 of the Judicature Act Cap 8 of the Laws of Kenya (Part 1 rules 3 (1) & 2 of the High Court Practice and Procedure Rules seeking the following orders:-

1. *That this court do certify this application as urgent and the same be heard during the current vacation.*
2. *That, the appellant herein be admitted to bail pending hearing and determination of this appeal.*

He relied on the following grounds:-

- i) *The appeal is basically on sentence and this is a traffic case.*
- ii) *The offence is punishable by fine and a custodial sentence.*
- iii) *The appeal has high chances of success as its arguable.*

During the hearing of the appeal, both the State Counsel viz Mr. Motende and the defence counsel Mr. Ondari were very brief. After Mr. Ondari had made the application, the State Counsel informed the court that he was not opposed to the application. After carefully considering the application, I hereby concede to the same. In that regard, I hereby direct that the accused be released on his own bond of Kshs. 500,000/= together with two sureties for similar amount. Alternatively, the accused may be released on his own cash bail of Kshs. 250,000/=. The appeal will now be heard on 18th June 2012.

Those are the orders of this court.

MUGA APONDI
JUDGE

Ruling read, signed and delivered in open court in the presence of:-

Mr. Motende - State Counsel.

Mr. Mureithi for Ondari - Defence Counsel

MUGA APONDI
JUDGE

23RD NOVEMBER 2011