



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MERU

CRIMINAL APPEAL CASE NO. 78 OF 2011

NICHOLAS MURIUNGI1ST APPELLANT
SHADRACK KINOTI 2ND APPELLANT

VERSUS

REPUBLIC RESPONDENT

RULING

On 5th July 2011, the appellants filed a Chamber Summons under section 357 of the Criminal Procedure Code Cap 275 Laws of Kenya seeking the following orders:-

1. *This application be certified urgent and the same be heard and determined as such.*
2. *The appellant be admitted to bail pending the hearing and determination of Meru H.C.A. No. 78 of 2011.*
3. *The court do make any other or such better orders which it may deem fit to grant in the circumstances.*

During the hearing of the application, the applicant's counsel Mr. Gitonga submitted that he is relying on following two grounds:-

1. *The appeal has overwhelming chances of success.*
2. *The appeal has not been heard yet and if the applicant is not released on bond, he shall have served a substantial part of the sentence before the appeal is heard and determined.*

In reply to the application, the State Counsel Mr. Mutendi stated that he is not opposed to the same. Apart from the above, he has also requested the court to grant the parties a date for the appeal.

After carefully considering the application, I hereby concede to the same. It is apparent from the record that the State is not opposed to this application. Under the circumstances, I hereby direct that each applicant be released on a cash bail of Kshs. 25,000/=. Appeal will now be heard on 13th February, 2012 before any Judge.

Those are the orders of this court.

MUGA APONDI
JUDGE

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

Mr. Gitonga - Applicant's Counsel

Mr. Motende - State Counsel

MUGA APONDI
JUDGE

3RD NOVEMBER 2011