



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
Criminal Appeal 27 of 2010

GEDION DAVID OWIYE APPELLANT

VERSUS

REPUBLIC RESPONDENT

RULING

The Applicant herein seeks to be admitted to bail pending appeal. The application is opposed by Mr. Onserio for the State. The Applicant having already been convicted by the lower court is now serving his sentence. I have looked at the Memorandum of Appeal and in my view it does not reveal much about the chances of success or otherwise of the intended appeal. As matters now stand the Applicant stands convicted by a duly constituted court of law and pending the hearing and determination of his appeal, he should proceed to serve sentence as imposed by the court. This court cannot and will not pre-judge the appeal. For the above

reasons this present application for bond pending appeal is denied.

Dated and Delivered at Mombasa this 24th day of February 2010.

M. ODERO

JUDGE

Read in the presence of:

Ms. Odhiang for Applicant

Mr. Onserio for Respondent

M. ODERO

JUDGE

24/2/2010