

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Criminal Appeal 45 of 2010

STEPHEN MWANGI WAWERU.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

The application dated 29th January 2010 seeks order for bail pending appeal or in the alternative the court do suspend the sentence pending the hearing of the appeal.

The application is supported by affidavit of Ms C.W. Maina Advocate confirming that the Appeal by the applicant was filed on 29th January 2010. She swears that the appeal has overwhelming chances of success. If bail is not granted the sentence may be served before appeal is heard. The applicant was charged with 3 counts of being in possession of Bhang. The applicant was sentenced to 2 years imprisonment on 30th September 2009. Therefore if he is not admitted to bail the sentence may be served before Appeal is heard. The record shows that the appellants were admitted to bail during the trial in the lower court.

I have considered the submissions of Counsel. I order the applicant be admitted to bail pending the hearing of the appeal on condition that he shall pay cash bail in the sum of shs.50,000/=

It is so ordered.

Dated and delivered at Nairobi this 18th March 2010.

J. N. KHAMINWA

JUDGE